



## **FOSTER CARE SERVICES**

State of Iowa  
Department of Human Services  
Des Moines

August 22, 1989

HUMAN SERVICES MANUAL LETTER NO. XIII-J-10

SUBJECT: Legal Representation for the Department in CINA and Termination Cases

House File 690, enacted by the Seventy-Second General Assembly (1989 Session), amended Iowa Code Sections 232.71, subsection 11; 232.90, and 232.114 to permit legal representation by the Attorney General's Office for the Department of Human Services in certain juvenile court cases. The Department may request to be represented by an assistant attorney general in place of the county attorney in child in need of assistance and termination of parental rights cases in which there is disagreement between the Department and the county attorney.

Senate File 541, Section 13, subsection 5, also enacted in the 1989 session, provides funds for an assistant attorney general to provide such representation to the Department, with an emphasis on termination cases.

Legal Representation in Termination Cases

**Policy**

When there is a disagreement between the Department and the county attorney regarding filing a petition to terminate parental rights, the Department may request to be represented by an assistant attorney general in place of the county attorney.

**Comment**

Cases are appropriate for referral to the Attorney General's Office if they meet the following criteria:

1. The Department has identified termination of parental rights as an appropriate action, and
2. There is a disagreement between the Department and the county attorney regarding filing the petition to terminate parental rights.

Legal references: Iowa Code Sections 232.71, subsection 11; 232.90, and 232.114 as amended by HF 690(72GA) and Senate File 541, Section 13, subsection 5(72GA).

## Procedure

Referrals shall be handled as follows:

1. Upon approval of the worker's supervisor, the worker shall submit the following to the district service administrator or designee:
  - a. Copies of the CINA petition and all removal, adjudication, disposition, and review orders.
  - b. Copies of all case permanency plans and reviews, and all social reports admitted into evidence at the juvenile court proceedings (preferably marked as such).
  - c. Copies of all medical, mental health, and child abuse reports admitted into evidence at these proceedings (preferably marked as such).
  - d. Copies of any case permanency plans and reviews and any social reports not yet admitted at any proceedings.
  - e. A brief explanation of why termination should occur, including recommendations from a local foster care review board, the Department's administrative review committee, or other staffing.
  - f. A brief explanation of the disagreement which exists with the county attorney and all efforts to resolve this disagreement to date, including all written correspondence.
2. The district service administrator or designee shall review the material and, if it meets the criteria described in the comment section above, shall forward all materials to the assistant attorney general assigned to represent the Department in CINA and termination actions at the following address:

Attorney General's Office  
Attn: Termination Prosecutions Attorney  
Hoover State Office Building  
Des Moines, Iowa 50319
3. A committee including the termination prosecutions attorney, the permanency planning program manager, and a representative of the Division of Community Services shall review and prioritize all referrals. The committee shall notify the district service administrator or designee within 10 days regarding whether:
  - a. The attorney general will represent the Department in the case and the time frame for further action.
  - b. The attorney general will not represent the Department in the case, the reasons for this decision, and any recommendations for alternative actions.

When a case is accepted by the Attorney General's Office, the assistant attorney general assigned will work with the district service administrator or designee regarding further action.

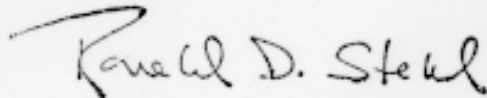
Effective Date

This material is effective July 1, 1989.

Additional Information

Guidelines for representation by the Attorney General's office in CINA cases will be published as they are developed. Questions concerning this material should be directed to the district office.

DEPARTMENT OF HUMAN SERVICES  
Charles M. Palmer, Director

A handwritten signature in dark ink, reading "Ronald D. Stehl". The signature is written in a cursive style with a large, sweeping initial "R".

Ronald D. Stehl, Chief  
Bureau of Adult, Children  
and Family Services



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

August 1, 1995

MANUAL LETTER NO. XIII-J-11

ISSUED BY: Bureau of Alternative Living Services  
Division of Adult, Children and Family Services

SUBJECT: Review Protocol for Counties Covered by Iowa Foster Care Review Board

**Summary:**

The Iowa Citizen's Foster Care Review Board (ICFCRB) is authorized to conduct foster care administrative reviews in the counties in Judicial Districts 1, 3, and 8. The map which follows shows the counties where an ICFCRB is active, as well as those slated to become active in FY96.



A statewide protocol which sets out responsibilities for DHS and ICFCRB has been developed between DHS Deputy Commissioner Sally Cunningham and ICFCRB Director DeAnn Jones. As counties are added to active ICFCRB status, the HSAA and the local ICFCRB will develop local protocols on specific county procedures.

### **What are local ICFCRBs?**

The local ICFCRBs conduct foster care administrative reviews. They are composed of volunteers representing various disciplines. Each volunteer receives training before sitting on a board. The local board programming is supervised by a judicial district program coordinator. Each board also has a paid facilitator who is responsible for ensuring the case review process is correctly followed.

### **What will the local ICFCRB do?**

The local ICFCRB will:

- Track the time lines for reviews.
- Notify and invite participants.
- Host the meeting.
- Provide a written report to the court, the family, and DHS.

During the review meeting the board will review the case permanency plan document to see that it meets state and federal standards and give feedback on this to those in attendance.

### **What will be addressed in the reviews?**

The board review will address:

- The reason for foster care placement.
- The case participants' understanding of the need or reason for placement.
- Visit planning.
- Identification of the case permanency plan goal and projected date for reaching the goal.
- Discussion of case permanency planning in progress.
- What efforts have been made and what efforts can be made relating to achieving permanency for the child.

### **Does the local ICFCRB take the place of reviews we currently hold?**

Yes. These reviews meet Iowa and federal requirements for foster care case reviews. The local ICFCRB will schedule:

- An "initial review" within 30 days of the placement.
- An "early case review", held approximately 90 days after admission.
- "Ongoing case reviews," held 180 days after admission and every six-months until discharge.

If for some reason the local ICFCRB does not schedule a review within the time lines set out in state and federal regulations, the county DHS office must schedule and hold the review.

**Does the local ICFCRB take the place of staffings we currently hold?**

No. There may still be a need for staffings on cases. Staffings still need to be held according to the guidelines in Manual Letter XVIII-A-1. CACT consultations should also continue to be held.

**Do I need to worry about confidentiality?**

No. The Iowa Code gives local ICFCRB access to information about children in care. Also, the local ICFCRB volunteers are bound by the same standard of confidentiality as DHS workers.

**What is my responsibility as a worker or supervisor to the local ICFCRB?**

- Attend and participate in the review. It will not be held if DHS is not represented.
- Give feedback to the local ICFCRB when consultation is provided, according to the local protocol developed by the HSAA and the local ICFCRB.

**Effective Date**

Immediately.

**Material Superseded**

Remove Manual Letter XIII-J-7, dated May 14, 1995, from Employees' Manual, Title XIII, Chapter J, and destroy it.

**Additional Information**

Direct questions about this material to the regional office.



THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
CHARLES M. PALMER, DIRECTOR

March 16, 1999

## MANUAL LETTER NO. XIII-J-12

ISSUED BY: Division of Adult, Children and Family Services  
Division of Policy Coordination

SUBJECT: Federal Parent Locator Service

The Adoption and Safe Families Act of 1997 (Public Law 105-89) authorizes child welfare agencies to use then Federal Parent Locator Service to assist in locating absent parents.

When a child is in foster care and the child's parental rights are being terminated, the child's social worker is responsible for contacting missing parents. If a social worker needs to locate a missing parent who is listed on the Child Support Recovery Unit (CSRU) data base, CSRU can give the parent's address to the social worker.

**Exception:** In accordance with federal provisions, CSRU shall not disclose address information if the information is from a protected source, such as IRS. Therefore, missing parent information may not be released in some instances.

CSRU must also safeguard information if the CSRU file contains a disclosure risk indicator warning of a possibility of harm to the missing parent or to the child if their location is known to the other parent.

If the missing parent has a disclosure risk indicator, CSRU may release information to the social worker. However, federal law prohibits giving the address of the non-requester (the missing parent) to any other person who may harm the non-requester or child.

Therefore, when a disclosure risk indicator is present on CSRU information, ensure that the address information is not included in court files or other documents that may be accessed by the child's other parent or relatives.

When the child for whom a missing parent is being sought is eligible for Title IV-E or Title IV-B and CSRU does not have the address information, CSRU will do a Federal Parent Locator Service (FPLS) request. It currently takes from one to four weeks to receive a FPLS response.

If the CSRU receives indications of domestic violence from the FPLS, the federal government will release the information only if you obtain a court order to release the information and submit it to CSRU. When this occurs, the FPLS will send the information to the court and the court will decide how to release the information.

Submit written requests for CSRU address information on a missing parent to:

Colleen Johr, Interstate Central Registry  
Foster Care Recovery Unit  
211 E Maple Street, Suite 100  
PO Box 9218  
Des Moines, IA 50306

Requests can be mailed, faxed, e-mailed, or hand-delivered.

**Effective Date**

April 1, 1999

**Additional Information**

If you need additional information, contact the CSRU Central Registry.

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### FOSTER CARE SERVICES

Foster care services provide care that is normally provided by a child's family. The Department is committed to the principle that no child shall be removed from the family home unnecessarily. Both state and federal law recognize that foster care services for children are an essential component of child welfare services, but that children have a right to be treated in the least restrictive setting appropriate to their needs and should remain at home with their parents whenever possible.

Foster care services are a resource to families that are unable to provide adequate care for their children. The objectives of foster care are:

- A. To provide good care for the child on a temporary basis in a nurturing, stimulating environment.
- B. To help heal the hurts the child has suffered as a result of separation from the family, damage to self-worth through placement, and other events in the child's past.
- C. To make and execute a plan for the child's future.

This chapter covers foster care assessment, placement, and ongoing casework services. Information on foster care payment is found in XIII-J(1), on recovery in XIII-J(2), and on medical coverage in XIII-J(3).

### LEGAL BASIS

The establishment, purpose, and general duties of the Department are governed by Iowa Code Chapter 217. Specific reference to payment for foster care expenses is found in Iowa Code Chapter 234, Sections 35 through 41. Laws governing juvenile delinquency, children in need of assistance, termination of the parent child relationship, families in need of assistance, and interstate compact on juveniles found in Iowa Code Chapter 232. Departmental rules concerning foster care are pursuant to these statutes are found in 441 Iowa Administrative Code, 156 and 202.

Payment for foster care is provided in part through federal funding under Titles IV-B and IV-E of the Social Security Act and Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981 (the Social Services Block Grant legislation). Rules pursuant to these laws are found in Title 45 of the Code of Federal Regulations. Parts 1355, 1357, and 1392 refer to Title IV-B; Parts 1355 and 1356 refer to Title IV-E; Parts 16, 74, and 96 refer to the Social Services Block Grant.

FOSTER CARE SERVICESDEFINITION OF TERMS**Policy**

**"Case permanency plan"** means the plan identifying goals, needs, problems, services, time frames for meeting goals and for delivery of the services to the child and parents, objectives, desired outcomes, and responsibilities of all parties involved, and reviewing progress.

**"Child"** means either a person less than 18 years of age or a person 18 or 19 years of age who meets any of the following conditions:

- A. Is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma.
- B. Is attending an instructional program leading to a high school equivalency diploma.
- C. Has been identified by a director of special education of the area education agency as a child requiring special education as defined in Iowa Code Section 281.2, Subsection 1.

A person over 18 years of age who has received a high school diploma or a high school equivalency diploma is not a child within this definition.

**"Child in need of assistance"** is a legal status determined through adjudication by a juvenile court which means an unmarried child:

- A. Whose parent, guardian, or other custodian has abandoned the child.
- B. Whose parent, guardian, other custodian, or other member of the household in which the child resides has physically abused or neglected the child, or is imminently likely to abuse or neglect the child.
- C. Who has suffered or is imminently likely to suffer harmful effects as a result of either of the following:
  - 1. Mental injury caused by the acts of the child's parent, guardian, or custodian.
  - 2. The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.
- D. Who has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides.

FOSTER CARE SERVICESDEFINITION OF TERMS (Cont.)**Policy** (Cont.)

- E. Who is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness, and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
- F. Who is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior toward self or others, and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
- G. Whose parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing, or shelter and refuses other means made available to provide such essentials.
- H. Who has committed a delinquent act as a result of pressure, guidance, or approval from a parent, guardian, custodian, or other member of the household in which the child resides.
- I. Who has been the subject of or a party to sexual activities for hire or who poses for live display or for photographic or other means of pictorial reproduction or display which is designed to appeal to the prurient interest and is patently offensive; and taken as a whole, lacks serious literary, scientific, political, or artistic value.
- J. Who is without a parent, guardian, or other custodian.
- K. Whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody.
- L. Who for good cause desires to have the child's parents relieved of the child's care and custody.
- M. Who is in need of treatment to cure or alleviate chemical dependency, and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
- N. Whose parent's or guardian's mental capacity or condition, imprisonment, or drug or alcohol abuse results in the child not receiving adequate care.

**"Delinquent act"** is grounds for adjudication by a juvenile court and means:

- A. The violation of any state law or local ordinance which would constitute a public offense if committed by an adult except simple misdemeanors, traffic violations, and possession of alcoholic beverages.

FOSTER CARE SERVICESDEFINITION OF TERMS (Cont.)**Policy** (Cont.)

- B. The violation of a federal law or law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.

**"Department"** means the Iowa Department of Human Services and includes the county, area, and regional offices of the Department.

**"Eligible child"** means a child for whom the court has given guardianship to the Department or has transferred legal custody to the Department, or for whom the Department has agreed to provide foster care services on the basis of a signed placement agreement, or who has been placed in emergency care for a period of not more than 30 days.

**"Facility"** means the personnel, program, plant, and equipment of a person or agency providing child foster care.

**"Foster care"** means substitute care furnished on a 24-hour-a-day basis to an eligible child in a licensed foster care facility or approved shelter care facility by a person or agency other than the child's parent or guardian. Foster care does not include care provided in a family home through an informal arrangement for a period of less than 30 days. Child foster care shall include, but is not limited to, the provision of food, lodging, training, education, supervision, and health care.

**"Natural parent"** means a parent by blood, marriage, or adoption.

**"Person or agency"** means individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the Department, who are licensed by the Department as a foster family home, child-caring agency, or child-placing agency, or approved as a shelter care facility.

**"Regional administrator"** means the Department employee responsible for managing Department offices and personnel within the region and for implementing policies and procedures of the Department.

**Comment**

The "case permanency plan" referred to in Iowa Code Chapters 232 and 237 is the same as the "case plan" referred to in Public Law 96-242. It is not the same as the provider's service plan. For information on specific requirements, see CASE PERMANENCY PLANS.

FOSTER CARE SERVICESDEFINITION OF TERMS (Cont.)**Comment** (Cont.)

**Legal reference:** 441 IAC 202.1(234); Iowa Code Sections 232.2(6), 232.2(12), and 232.8(1)

ELIGIBILITY FOR FOSTER CAREAge**Policy**

Foster care is provided by the Department only to persons meeting the definition of child.

**Comment**

Persons who are age 18 or over may continue in foster care only if they were in foster care or a state institution immediately prior to reaching age 18, have continued in foster care or a state institution since reaching 18, and are currently in school in one of the following programs:

1. High school
2. High school equivalency (GED)
3. Special education, as defined and provided by the Department of Education through the Area Education Agencies and the local public school districts.

This policy also applies to unaccompanied refugee minors. Persons age 18 or 19 are eligible for only certain levels of care.

When persons ages 18 or 19 are legally classified as "children" for the purposes of foster care and other child welfare services (See DEFINITION OF TERMS), continue coding their "official status" with codes from the children's list in the SRS manual. (See XIV-A.)

See XIII-J(1), GENERAL FOSTER CARE PAYMENT: Youth Age 18 and Over, for specific information regarding eligible placements for persons age 18 and 19.

**Legal reference:** Iowa Code Sections 234.1 and 234.35, as amended by HF2480, 1992 Iowa Acts; 441 IAC 202.3(3)

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Age (Cont.)**Procedure**

Deny persons seeking entry to foster care who do not meet these criteria.

When children in foster care cease to meet these criteria (either by completing their high school or high school equivalency diploma, by ceasing to attend school, by turning 18 or 19 and being in a noneligible level of care, or by turning 20), terminate foster care service with timely and adequate notice and appropriate procedures as outlined in GUIDELINES FOR TERMINATION OF SERVICES.

A child remains eligible through the end of the month in which the child turns 18, 19, or 20 or fails to meet the school attendance requirements.  
Example

Client T.S., while in family foster care, turns 18 on February 21 and graduates from high school the following May 17. T.S.'s last day of foster care eligibility is May 31. Notice shall be given by May 21.

Legal Status**Policy**

The Department shall provide and pay for foster care only as authorized by Iowa law. Legal Background:

Dissolution Orders at Variance with Statutory Authority

The Supreme Court has ruled that dissolution courts cannot adjudicate a child in need of assistance, place a child in foster care, or require the Department to provide protective supervision.

Because of problems with continuing jurisdiction over the child, the Department's position is that all cases in which transfer of custody is believed to be necessary should be referred to juvenile court for "child in need of assistance" proceedings. No circumstance is foreseen in which consent should be given to a transfer of custody without juvenile court action.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Policy (Cont.)

## Legal Background (Cont.)

Since the Department's ability to act after the fact is limited by information flow outside of its control, when problems occur, regional staff should meet with the chief judge of the district court to apprise the court of the Department position on this issue in hopes of preventing future problems.

## Dissolution Orders Within Statutory Authority

A dissolution court can require the Department to do home studies. Additionally, the dissolution court can use the services of the Department if the Department agrees to become involved. If the Department does not object to the order, consent is implied.

## Legal Basis

The Iowa Supreme Court in *DSS vs. Blair*, 294 N.W. 2<sup>nd</sup> 567 (Iowa 1980) and *Iowa Department of Human Services vs. Iowa District Court for Cherokee County*, 446 N.W. 2<sup>nd</sup> 794 (Iowa 1989) states that the Department cannot be ordered to accept custody and supervision without giving consent.

Other cases related to this issue are *In Re Marriage of Snyder*, 276 N.W. 2<sup>nd</sup> 402 (Iowa 1979); *In Re Marriage of Corbin*, 320 N.W. 2<sup>nd</sup> 539 (Iowa 1982); and *In Re Marriage of Carrico*, 284 N.W. 2<sup>nd</sup> 251 (Iowa 1979).

**Comment**

**Legal reference:** Iowa Code Section 234.35

Familiarize yourself with the provisions of Iowa Code Chapter 232. Refer any court orders which do not appear to comply with the provisions of this chapter to your supervisor and, if necessary, to your regional administrator for review. The following sections give information on each category in more detail.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)**Procedure**

If you receive a dissolution order which orders the Department to become involved and is in variance with statutory authority, notify your regional service administrator immediately. The service administrator will contact the Office of Field Support, which will notify the Attorney General's office and request direction.

**NOTE:**

- ◆ If we notify the Attorney General's office within ten days after the filing of the order, it is possible to request the judge who issued the order to rescind it.
- ◆ If we notify the Attorney General's office within 30 days after the filing of the order, it is possible to challenge the order in the appellate courts.
- ◆ If we contact the Attorney General's office more than 30 days after the filing, it is possible the matter can be informally resolved, but at this point the only legal options are to appear at a contempt hearing or to go ahead and perform the services required.

Transfer of Guardianship to Department**Policy**

The Department is responsible for services including foster care when the court has given the Department guardianship of the child.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Transfer of Guardianship to Department (Cont.)**Comment**

Iowa Code Sections 232.117(3) and 600A.9 give the court the authority to appoint a guardian for a child when parental rights are terminated.

Iowa Code Section 232.102(2) gives the court the authority to transfer guardianship of unaccompanied refugee minors and children without parent or guardian to the Department, upon the Department's request after the child has been adjudicated as a child in need of assistance.

The duties and responsibilities of the guardian and the procedures required when a child is under guardianship are explained in more detail in 13-C, Guardianship of Child, and XIII-F, UNACCOMPANIED REFUGEE MINORS. See these chapters for further instructions.

Guardianship refers to authority over a person. It does not include authority over a person's property or estate. Unless parental rights are terminated, the natural parents maintain residual parental rights and need to be involved in some decisions affecting the child.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(a)

Transfer of Legal Custody to Department**Policy**

The Department is responsible for foster care when a court has transferred legal custody to the Department.

**Comment**

Transfer of legal custody to the Department after disposition is authorized by Iowa Code Section 232.52 for children adjudicated delinquent and in Iowa Code Section 232.102 for children adjudicated in need of assistance.

Transfer of legal custody to the Department may also take place through a temporary removal hearing in the CINA process (Iowa Code Section 232.95 or a shelter care hearing under the delinquency procedures (Iowa Code Sections 232.44(6) and 232.21(2))).

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Transfer of Legal Custody to Department (Cont.)Comment (Cont.)

The Department's responsibilities as custodian are defined as follows:

- ♦ To maintain or transfer to another the physical possession of the child.
- ♦ To protect, train and discipline the child.
- ♦ To provide food, clothing, housing, and medical care.
- ♦ To consent to emergency medical care, including surgery.
- ♦ To sign a release of medical information to a health professional.

The residual parental rights retained by the child's parents make it imperative that they be involved in all major planning and medical decisions affecting the child. See SERVICES TO CHILD'S PARENTS: Decision-Making Regarding the Child.

The caseworker normally exercises the rights and responsibilities of the custodian.

Reports to the court shall be submitted every six months, or more frequently if ordered by the court.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(b)

Voluntary Placement for Children Under Age 18Policy

The Department is responsible for paying for foster care when it has agreed to provide foster care services for a child who is under age 18 on the basis of a signed agreement between the Department and the child's parent or guardian.

All voluntary placement agreements initiated after July 1, 2003, for children under age 18 shall terminate after 90 days.

Comment

Do not make a foster care placement until an assessment determines that reasonable efforts to prevent placement have been made.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Voluntary Placement for Children Under Age 18 (Cont.)**Comment** (Cont.)

Voluntary placement may be appropriate when the need for placement is expected to be short-term, such as during the parent's illness or for crisis intervention. When a parent must be out of the home for a short time-limited period, make every effort to help the family find relatives or friends who can assume temporary responsibility for the child as an alternative to foster care placement.

Voluntary placement is also used when an unaccompanied refugee minor arrives to authorize foster care placement until guardianship can be established. (See XIII-F, Guardianship.)

**Legal reference:** 441 IAC 202.3(1) and 202.3(2);  
Iowa Code Section 234.35, Subsection 1(c)

**Procedure**

Complete form 470-0715, *Voluntary Foster Care Placement Agreement*, for all voluntary placements before the child's placement into foster care, unless the situation is an emergency.

The service area manager or designee shall approve all voluntary placement agreements before the placement, unless the placement is being made for protective service reasons. If a protective service placement must be made before obtaining the approval, obtain approval within one week after the placement is made.

The service area manager or designee shall approve a voluntary placement for a period of no more than 90 days.

When a child enters a voluntary placement, refer the parents to the Foster Care Recovery Unit through the FACS system.

When a voluntary placement agreement is terminated, send a copy of the parent's *Notice of Decision* to the foster care provider.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Court-Ordered Placement of Children With Disabilities**Policy**

The Department is responsible for foster care when the court orders placement of a child with mental retardation or other developmental disability into foster care pursuant to Iowa Code Section 232.182, Subsection 5.

File a petition to the court when a parent, guardian, or custodian of a child with mental retardation or other developmental disability requests foster care placement of the child for a period of more than 30 days. Use form 470-2634, *Voluntary Foster Care Petition*, unless the local court provides another format.

**Comment**

The law that provides for court oversight of voluntary placements requires a social history report. The report shall include:

- ◆ A description of the child's disability and resultant functional limitations.
- ◆ The case permanency plan.
- ◆ A description of the proposed foster care placement.
- ◆ A description of family participation in developing the child's case permanency plan, and the commitment of the parent, guardian, or custodian in fulfilling the responsibilities as defined in the case permanency plan.

A reasonable efforts ruling is required. To preserve the child's eligibility for federal Title IV-B and Title IV-E funds, the court must hold periodic dispositional hearings at least every 12 months after the initial placement.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(i);  
PL 103-432; 441 IAC 202.3(1)

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Voluntary Placement for Children Aged 18 or Older**Policy**

The Department is responsible for paying for foster care when it has agreed to provide foster care services for a child 18 years of age or older on the basis of a signed placement agreement between the Department and the child. Voluntary placements of a child aged 18 or older may be granted for six months at a time only when the child:

- a. Meets the definition of "child," and
- b. Was in foster care or a state institution immediately before reaching age 18, and
- c. Has continued in foster care or a state institution since reaching age 18, and
- d. Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan.
- e. Is placed in an eligible setting.

**Comment**

See DEFINITION OF TERMS for the definition of "child."

Refer to XIII-J(1), GENERAL FOSTER CARE PAYMENT: Youth Age 18 and Older for limits on payments for youth age 18 and older.

Voluntary placement agreements between the Department and the child can be used when the jurisdiction of the juvenile court has expired because the child has reached majority. The child must still meet the age and need requirements for foster care, have been in care immediately before reaching age 18, have continued in care since reaching age 18, demonstrate willingness to fulfill responsibilities in the placement agreement and case plan, and be in an eligible level of care.

Voluntary foster care placement agreements shall not be used to place children outside Iowa and shall not be signed with children who reside outside Iowa.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Voluntary Placement for Children Aged 18 or Older (Cont.)**Comment** (Cont.)

Voluntary foster care placement agreements shall terminate if the child moves outside Iowa after the placement.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(f) as amended by 1992 Iowa Acts, House File 2480; 441 IAC 202.3(3)

**Procedure**

Complete form SS-0715, Voluntary Foster Care Placement Agreement, for all voluntary placements. All voluntary placements shall be approved by the regional administrator or designee.

**Shelter and Emergency Care****Policy**

The Department is responsible for paying for foster care when:

- a. A child is lawfully placed in shelter care, or
- b. A child is placed in emergency care for a period of not more than 30 days upon approval of the regional administrator.

**Comment**

Iowa Code Section 232.20 requires that a child who is taken into custody by a peace officer, juvenile court officer, or juvenile parole officer be taken immediately to a shelter care or detention facility unless the child is released to the child's parent, guardian, or custodian.

Iowa Code Section 232.21 allows placement of a child in shelter care when one of the following applies:

- a. The child has no responsible adult to provide proper shelter, care, or supervision.
- b. The child desires to be placed in shelter care.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Shelter and Emergency Care (Cont.)Comment (Cont.)

- c. It is necessary to hold the child until the child's parent, guardian, or custodian has been contacted and has taken custody of the child. (Payment is limited to 72 hours.)
- d. It is necessary to hold the child for transfer to another jurisdiction.
- e. The child is being placed pursuant to a court order.

This provision allows payment for care when there is no transfer of guardianship or legal custody and no voluntary placement agreement, but there is a need for immediate action to provide placement for a child. Shelter care placement may be made in a juvenile shelter care home or a licensed foster family home or licensed group care facility. However, shelter care placement over 48 hours requires a court order.

There should be very few instances where it is necessary for the Director or Director's designee to approve emergency care. The Department does not have legal authority to remove children from their homes. Removal must be accomplished through a peace officer or court action.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(d), as amended by 1992 Iowa Acts, House File 2480

**Procedure**

Each region must develop a written plan for emergency care of children. This plan must indicate the type and location of emergency care providers and contain the criteria for approval by the Director or Director's designee.

Each region should maintain a record of approvals of emergency care.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Transfer of Custody to Another Person or Agency**Policy**

The Department is responsible for paying the cost of foster care for a child when the court has entered an order transferring the legal custody of a child to a foster care placement in a child in need of assistance or delinquency proceeding.

**Comment**

Iowa Code Sections 232.52 and 232.102 authorize the court to transfer custody to a child-placing agency or a facility licensed to provide care for a child instead of to the Department. Iowa Code Section 232.104 authorizes the court to transfer custody of a child to a suitable person for the purpose of long-term care after a permanency hearing in a child in need of assistance case.

When custody is transferred to an agency other than the Department, the provisions of this chapter concerning authorizations, placement, and services to the child, the birth parents, and the foster parents do not apply.

The Department has no legal authority over the child and should not enter into the case, except as necessary to carry out payment and recovery requirements. The Department will not be involved in planning for or supervising these children, unless the court orders Department staff to supervise a placement involving the transfer of the child's custody for the purpose of long-term care after a permanency hearing.

Cases in which custody is transferred to a suitable individual for the purpose of long-term care may not involve foster care placement. The Department shall pay foster care only when all requirements mentioned above are met.

**Legal reference:** Iowa Code Section 234.35, Subsection 1(e)

**Procedure**

If it is not clear from the wording of the court order placing a child in foster care who is responsible to carry out the duties of the custodian, request that the court order be modified to specify the custodian.

FOSTER CARE SERVICESELIGIBILITY FOR FOSTER CARE (Cont.)Legal Status (Cont.)Transfer of Custody to Another Person or Agency (Cont.)Procedure (Cont.)

If it appears that the duties have been dispersed among more than one party or agency, request that the order be modified to specify a single agent to carry out these duties. If this request does not result in a modified order giving all of the custodian's responsibilities to one agent, refer the case to the regional administrator for resolution.

Payment for these placements is subject to the same restrictions as payment for regular foster care. These include requirements for licensing or approval of the care provider, age and educational placement of the child, and parental liability. Cases which do not meet these requirements shall be referred to the county auditor for payment.

ASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES**Policy**

The need for foster care placement and service shall be determined by an assessment of the child and family to determine their needs and appropriateness of services. Assessments include the educational, physical, psychological, social, family living, and recreational needs of the child and the family's ability to meet these needs. The assessment is a continual process to identify needed changes in service or placement for the child.

**Comment**

These assumptions underline the assessment process:

- A. Foster care is a service to the family, not the child alone.
- B. Your endeavors are more likely to be successful if you make an effort to establish mutuality in identifying the need for service, selecting the service, and evaluating the effectiveness of the service. This means involving the child, the child's family, relatives, foster parents, service providers, and others who will affect or be affected by the outcome of the service.

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)**Comment** (Cont.)

- C. Time spent in deliberate, planned decision-making will pay off in the long run, even for cases which have been in service for a long time.
- D. Most families can identify and indicate what they need. It is important to listen and observe before making judgments. The object is to strengthen the parents in meeting their responsibilities, not to remove responsibility.

Legal reference: 441 IAC 136.2(2)

**Procedure**

In foster care services, assessment data is required in three situations. For new, non-emergency cases it is usually possible to complete the assessment before placement. A careful determination is made whether foster care placement is necessary. For new emergency cases the first step is making the placement; the worker usually has not had an adequate opportunity to assess the situation in advance. Assessment is done during the emergency placement before the decision to extend the placement. For ongoing cases, assessment is part of the case planning and review process.

Initial assessment of the need for foster care services consists of several steps.

- A. Identify the client's immediate needs. This includes finding out who referred the family for foster care services, what the reasons for the referral were, and whether the person making the referral (the client or another person) understands the possible consequences. If someone besides the family made the referral, it is important to find out whether the family understands the reasons for the referral and is in agreement with them.
- B. Determine whether the Department can provide the needed service. This includes a determination of service availability and a determination of the family's eligibility for service. At the end of this step, the case record should include the following information:
  - 1. Who initiated the request for service.
  - 2. The identification of the immediate needs and possible services that the worker and the family have agreed on.
  - 3. The collateral contacts made by the worker and the information provided by them.
  - 4. The date and type of eligibility.

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)**Comment** (Cont.)

- C. Determine whether the family's current situation requires removal of the child from the home. This means determining whether the home meets the "minimum sufficient level" of care. Minimum sufficient level is defined as the point below which the child's mental, physical, and/or emotional health are threatened by being in the home.
- D. Determine what legal action is necessary to get authority to make the placement, if one is needed.

When the Department becomes involved with a child through court action which was not initiated as a result of a Department assessment, these steps may have been taken by court staff. It is important for case planning to obtain the facts that were used in making the assessment.

**Determination of Need for Removal of a Child From the Home****Policy**

Foster care placement shall be recommended by the Department only after efforts have been made to prevent or eliminate the need for removal of the child from the family unless the child is in immediate danger at home.

**Comment**

The reason for this policy is the importance to a child of attachment, or the development of a trusting relationship with a parenting figure. Separation of a child and parent has negative consequences to the child, the parents, and the siblings.

If a lot of different people care for an infant, that child will be noticeably slower in forming an attachment to one person. Once an attachment is made, it is often much more intense and clinging than that of other children. Children who have experienced the anxiety of separation from their parents during infancy or early childhood often are fearful of exploring the world and consequently may be inhibited in their mental, physical, and social development.

Children who have been separated from parents show their distress through crying, anger, and withdrawal. Future attachments, even with the same parent, may be more shallow and less trusting, with considerable displays of anger. These children may decide that it is not safe to get close to

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)**Comment** (Cont.)

anyone. Relationships may take longer to develop or may develop at a superficial level. With each separation the chance of the child deciding that it is not safe to trust others is increased.

Pertinent legal reference for this policy is IAC 770--136.2(4).

**Procedure**

The first question to be addressed is whether conduct or conditions which obviously threaten the child's mental, physical, or emotional health can be identified and documented. If so, and the worker can be relatively sure that immediate, specific service delivery can quickly correct a need and allow the child to return home, it is often appropriate to help the parent locate a relative, neighbor, or friend with whom the child is familiar who will care for the child temporarily. If it cannot be predicted that the placement will be brief, formal entry into foster care is probably more appropriate. If no single aspect of conduct or condition obviously poses an immediate threat to the child, all needs must be weighed together to evaluate their total effect.

The second question to be addressed is whether an appropriate support system can be set up to keep the family intact. This involves evaluation of family and community strengths and the availability of services to address the family's problems without removing the child. Evaluation of past efforts to prevent the need for removal must include efforts made by other agencies. If conduct or conditions in the home are below the minimum sufficient level and there are no available and/or sufficient support systems, removal from the home is indicated.

**Comment**

Many other persons and agencies in the community are involved in child welfare. The worker's job is to be familiar with these resources and to provide continuity between their services and services available through the Department. Further information on less restrictive services provided by DSS is found in the assessment portions of XIII-D, XIII-C, XIII-L, and XIII-L(1).

Four dimensions are provided for assessment of the home situation to determine whether it meets the standard of minimum sufficient level of care.

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)Parental Conduct

Parental conduct refers to observable parental behaviors that threaten the mental, physical, and/or emotional health of the child while in the home. The parents have no diagnosable condition, but for other reasons are unwilling or unable to provide a minimum sufficient level of care. The areas listed are examples; they are not inclusive. Often no one area will provide conclusive evidence for removal, but analysis of the strengths and weaknesses of the parents will often produce a preponderance of data pointing toward keeping the child at home or toward removing the child. The demonstrated ability of the child to cope with the parents' problems is also a factor in the decision.

a. Housekeeping

Housekeeping is grounds for removal only when it is so poor that the child risks serious disease, malnutrition, or physical injury. Documentation of this condition requires more than personal observation; reports from public health officials, fire marshal, or other professionals are needed. All reports shall be shared with the family.

b. Parenting Skills

Observable evidence of parenting skills is found in the way the child is dressed, the child's eating habits, the child's physical health, and the child's interaction with peers and adults. Documentation of parenting skills can be obtained from teachers, public health nurses, ministers, doctors, friends, and relatives (with the permission of the family). Written reports are preferred. The worker's own observations are valid if objective and properly recorded. Assessment of parenting skills should not be based solely on worker observation or unsupported, subjective opinion.

c. Child Supervision

Examples of poor child supervision include leaving the child with persons who provide inadequate care, leaving a child with others and not returning for the child as arranged, and leaving an infant or a very young child unattended. Documentation is obtained in the same manner as documentation of parenting skills. This conduct alone usually is not grounds for removal unless there is an actual threat to a child's health. It may be linked to other conditions to furnish grounds for removal.

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)Parental Conduct (Cont.)d. Life Styles

Living arrangements that vary from the norm do not in themselves cause a home to fall below the minimum sufficient level of care. Judgments cannot be made about life styles per se. The worker must examine the situation in terms of specific behavior and how it affects the child. Specific documentation of how the parent's conduct is harmful to the child must be obtained to justify removal.

e. Alcohol and Drug Abuse

Alcohol and drug abuse are sometimes difficult to document. It may be possible to get honest and objective information from family members, if the worker is able to maintain a non-judgmental attitude and to enlist the family's cooperation. Other sources of information include the family's physician, neighbors, relatives, school officials, hospitals, police, and the court. When alcohol and drug abuse are disabling, they become diagnosable conditions (See Parental Condition.) Again, the conduct must be related to harm to the child to justify removal.

f. Physical Abuse

Physical abuse may be "situational," occurring in response to a stressful situation or event, or "pathological," habitual or frequent abuse which often follows a predictable pattern. Normally information on physical abuse will be gathered through a protective services investigation. (See XIII-D.) The criterion to use in determining whether to remove the child is the likelihood of abusive behavior recurring. Professional evaluations may be helpful in making this determination.

g. Emotional Neglect

A child is not usually removed from the home because of emotional neglect. Emotional neglect is difficult to establish in an objective way. If other aspects of conduct or condition are inadequate, removal may be indicated. Assessment is based on information from family members, teachers, and others who know something about family interaction and on worker observation. Professional evaluation may be necessary to discover whether the

FOSTER CARE SERVICESASSESSMENT OF NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)Parental Conduct (Cont.)g. Emotional Neglect (Cont.)

parents simply do not care for the child or they do not know how to maintain a nurturing relationship (a condition that may be corrected through structured services).

Parental Condition

Parental condition refers to disabilities that are diagnosable and that incapacitate the parent(s) to the extent that the child's mental, physical, and/or emotional health are threatened. In order to determine whether a parental condition is severe enough to remove a child from the home, it is necessary to obtain an expert diagnosis from a health professional (e.g. physician, psychologist, psychiatrist). In addition to seeking a diagnosis, it is important to find out how long the condition is likely to last, whether it will respond to treatment, and how it affects the parent's ability to function as a parent.

It is not unusual for a parent to refuse to cooperate in obtaining a diagnosis. In that case, the worker has to rely on direct personal observations and observations of family members, friends, relatives, employees, and others. When using collateral contacts it is important to get direct quotes and to record them verbatim, if possible, along with dates of events and contacts.

Again, the focus is identification of the strengths of the child and the family as well as areas in which the family needs improvement. If the parent has a nurturing relationship with the child and there are family, agency or community support systems available, these systems should be used to keep the child in the home.

a. Physical Illness

If the parent is incapacitated by physical illness but is emotionally nurturing and wants to keep the child, it may be possible to maintain the family intact by working with the spouse, homemakers, public health nurse, friends, relatives, or responsible family friends.

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)Parental Condition (Cont.)b. Mental Retardation/Developmental Disability

Mentally retarded or developmentally disabled parents may want to keep their children but not be capable of handling the day-to-day tasks involved in raising a child. Expert evaluation is necessary to determine whether the parent has the capacity to learn basic parenting skills. Available support systems need to be examined when the evaluation is not conclusive.

c. Drug and Alcohol Addiction

Incapacity resulting from drug or alcohol addiction may be evidenced by the parent's inability to keep a job, to supervise the child, or to provide adequate emotional support. If the parent will cooperate, the worker should obtain a professional evaluation and an opinion as to whether or not the parent is likely to respond to treatment within a reasonable time frame. Other information on the incapacitating effects of the condition may be obtained from hospitals or rehabilitation centers that have treated the parent and from persons who have directly observed the parent's behavior while under the influence of alcohol or drugs.

d. Mental Illness

Mentally ill parents who have lost contact with reality either partially or completely cannot normally carry out their parental roles. Again, it is necessary to get accurate information on how long treatment will last, what the parent's chances of return to adequate functioning are, and what support systems and services are available. Children of mentally ill or emotionally ill parents may need therapy to help them understand and cope with the parents' behavior.

e. Emotional Illness

Emotional illness is generally characterized by a disordered emotional or behavioral state with little investment in anyone but one's self. The behavior of emotionally ill people is often directed toward pursuit of immediate personal gratification, and as such may include shoplifting, forgery, drug abuse, or other asocial acts. Emotional illness can be documented through

FOSTER CARE SERVICESASSESSMENT OF THE NEED FOR FOSTER CARE SERVICES (Cont.)Determination of Need for Removal of a Child From the Home (Cont.)Parental Condition (Cont.)e. Emotional Illness (Cont.)

professional diagnosis and through reports on behavior obtained from family and friends, police, courts, and professionals who have worked with the parents.

Child's Conduct

Child's conduct refers to behavior on the part of the child which the parent is unable or unwilling to control. Under Iowa Law, a child's behavior is sufficient grounds for adjudication and removal from the home only if the child has committed a delinquent act (and then only if removal is determined by the court to be the least restrictive course suitable). Other "status offenses" such as truancy, running away, and sexual acting out contribute to grounds for removal (under "child in need of assistance" provisions) only in the context of parental inability or unwillingness to supervise or treat the child. Documentation must include both the child's behavior and the actions of the parents.

Child's Condition

The types of conditions found in children parallel those found in adults: drug and alcohol addiction, retardation, physical illness, mental illness, and emotional illness. Methods of documentation are similar to those outlined for parental conditions. In addition, need for placement rests on the inability or unwillingness of the parent to handle these conditions at home, so parental ability to deal with the condition must also be explored. Handicapped children usually require special education. Placement decisions must be coordinated with the area education agency. (See below.)

FOSTER CARE SERVICESASSESSMENT OF NEED FOR FOSTER CARE SERVICES (Cont.)Social History**Policy**

Complete The placing worker shall complete a social history on each child before making a Department recommendation for foster care placement.

Exceptions:

- ◆ For voluntary emergency placements, complete a social history before a decision is made to extend the placement beyond 30 days.
- ◆ For court-ordered emergency placements, complete a social history before the disposition hearing.

**Comment**

The social history is a method of organizing and documenting assessment of the conduct and condition of the parents and the child, as outlined in the previous section. If the child becomes available for adoption, the social history serves as the child study.

**Legal reference:** 441 IAC 202.2(3)

**Procedure**

Complete a written social history for each child in foster care using form 470-3615, *Background Report Part 1*, located in 13-C-Appendix. When another Department worker or a worker from another agency has done a social history, you may need only to update the assessment. **Note:** Do not include HIV information in the social history.

Review the social history annually and update it as needed.

Educational Assessment**Policy**

Assessment and planning for any child shall include coordination of the educational program. Involve local school staff as appropriate. Involve the area education agency (AEA) if special educational needs are identified or suspected.

FOSTER CARE SERVICESASSESSMENT OF NEED FOR FOSTER CARE SERVICES (Cont.)Educational Assessment (Cont.)**Policy** (Cont.)

If it is determined the child is handicapped in obtaining an education, the public school system is responsible for providing the educational program. If the sole reason for placement is the lack of an appropriate educational program accessible to the child while living at home, the Department will not participate in the placement.

**Comment**

Local school districts and the Iowa Department of Education are responsible to ensure that a free appropriate public educational program is available to every child.

DHS does not fund educational services available to children through public school systems. When placement of the child with special educational needs necessitates a change in school placement, the appropriate area education agency must be involved in the placement process, because the child's home school district remains responsible for the cost of the educational program.

The Department of Education pays the tuition for foster children not in special education who attend school in another district, unless the foster child was counted in the school's enrollment for state aid.

**Legal reference:** Iowa Code Sections 282.19 and 281.12

**Procedure**

When special educational needs are identified:

- ◆ Obtain release of information from the parents or guardian to facilitate flow of information between the Department and the AEA.
- ◆ Contact the AEA to ascertain if the child has been identified, certified, and weighted. If not completed, request that the local school make arrangements with the AEA for evaluation.
- ◆ Participate in staffings with the local school and AEA to discuss needs of the child, including both educational and foster care arrangements.
- ◆ If the child is to move from the school, obtain written verification of educational funding from the special education director of the AEA.

FOSTER CARE SERVICESASSESSMENT OF NEED FOR FOSTER CARE SERVICES (Cont.)Health Assessment**Policy**

Assess the child's need for medical, psychiatric, and psychological services as part of determining the child's need for placement. At the time of placement, provide the facility with the results of a physical examination and specific information about the child's medical needs.

**Comment**

Children entering foster care need to have a physical right before they are placed or within 14 days of placement. See also 18-A, **PLANNING FOR SERVICES: Well Being**.

**Legal reference:** 441 IAC 202.2(2) and 202.6(1)

**Procedure**

Secure health information from the appropriate medical professional, using form 470-0580, *Physical Record*. If possible, submit the form to the child's physician for completion. The form asks the medical professional to identify chronic illness and medications prescribed to treat any chronic health condition.

When the form is returned, summarize the relevant information in the *Case Permanency Plan*. (See 18-A, **CASE PERMANENCY PLAN: Out of Home Placement**.) Give a copy of the form to the child's foster care provider. You may also use the *Background Report Part 1*, form 470-3615, to document medical information on the child.

If the *Physical Record* does not have immunization information attached, get this information from the child's family or from the school where the child is enrolled in at the time of placement. Give a copy of the immunization record to the foster care provider. If the child's immunization record is not available, work with the child's physician and foster care provider to have the child immunized.

**Note:** See 18-A(2), **HIV PROTOCOLS**, for more information on HIV testing and placement procedures for HIV-positive children.

FOSTER CARE SERVICESASSESSMENT OF NEED FOR FOSTER CARE SERVICES (Cont.)Transition Planning**Policy**

For all youth aged 16 and older, address specific steps and services within the plan, based upon an assessment of the youth's needs, that will assist the youth in preparing for the transition from foster care to living independently (adulthood). Services may be provided to younger teens when it appears that they may remain in placement through age 18, or as appropriate.

**Comment**

"Transition planning" is the process of assisting youth in foster care to prepare to be self-sufficient adults. Transition planning assists youth, case managers, and caretakers in learning more about the specific skills that the youth needs to be better prepared for adult life.

This is especially important for youth who are in care for a longer period of time and those who will "age out" of foster care. Due to being separated from family and often their home community, youth in foster care frequently do not have a natural positive support system or safety net when they become young adults. Compounding this, foster care youth generally have fewer resources as they age out of the system.

**Procedure**

The first step in developing a plan for transition services is to assess the needs of the youth. This process includes an assessment of life skills, strengths, needs, and goals. The transition planning specialist is available to assist with the assessment and to provide ongoing consultation and assistance concerning effective transition planning.

For youth who may be eligible for services as an adult, the needs assessment and written plan of services must be developed with any person who may reasonably be expected to be a service provider for the youth when the youth becomes an adult or to become responsible for the costs of services at that time.

Use form 470-3185, *Referral Guide for Transition Planning*, to exchange information with the transition planning specialist. The specialist will prepare and send this form to the case manager when the youth is aged 16 or older to determine if a referral to the transition planning specialist for assessment and follow-up is appropriate.

FOSTER CARE SERVICESCASE REVIEW SYSTEM**Policy**

A review committee shall evaluate the need for foster care and the efforts to prevent placement before placement, or, for emergency placements only, within 30 days after the date of placement.

Foster care cases under the supervision of the Department shall be presented to a review committee every six months in conjunction with the case plan review. Exceptions: The Department review may be waived for cases being reviewed by a local foster care review board or the court within six months of the date of a child's removal.

Review committee recommendations are advisory to the service worker and supervisor, who are responsible for development of the Department case plan and for reports and recommendations to the court.

**Comment**

The aim of the review process is to foster a team approach to case planning. The ideal result is consensus among the participants. The review process also functions to hold all parties accountable for their actions in relation to the case plan, to assess compliance with agency policies and procedures, and to expose gaps and problems in policy.

For cases under court jurisdiction, the final decision as to what type of placement or services are ordered rests with the court. This does not prevent the family from seeking services on a voluntary basis.

**Legal reference:** 441 IAC 202.2(5) and 202.6(4); Iowa Code Section 237.19; Sections 471(a)(16), 427(a)(2)(A), and 475(5) and (6) of the Social Security Act

**Procedure**

Each region has discretion on what point the case is presented to the review committee. One approach is to require review before the Department initiates a court petition. In general, the less clear the assessment information is about the danger to the child in remaining in the home, the greater the need for shared decision-making.

Because children can be removed from their homes without Department involvement, a prior review may sometimes be impossible unless local agreements are negotiated. Whenever case planning responsibility is delegated to the Department it is imperative that assessment and review are completed as soon as possible.

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Participation on the Review Committee**Policy**

Department staff on the review committee shall include:

- ◆ The child's worker,
- ◆ A supervisor knowledgeable in child welfare, and
- ◆ One or more additional people appointed by the regional administrator.

The review shall be chaired by a staff member who is not responsible for the case management or delivery of services to either the child or the parents or guardian who are the subject of the review.

Invite both the custodial and noncustodial parents to the review. Give children over ten the opportunity to participate in the review if they wish. Also notify of the review and invite to participate:

- ◆ The child's guardian and guardian ad litem.
- ◆ The present foster care provider.
- ◆ Current service providers.
- ◆ Local and area education staff.
- ◆ Juvenile court staff.
- ◆ Refugee Programs staff, if the child is an unaccompanied refugee minor.

The region may request the participation of other professionals knowledgeable in child welfare.

Other people, such as previous services providers, may be invited to the review with the consent of each custodial parent or the guardian.

**Comment**

County offices have discretion as to the number of review committees, assignment of staff to the review committees, and the protocol for case review, subject to the policies in this section.

Federal law requires a review "conducted by a panel of appropriate people, at least one of whom is not responsible for the case management of or the delivery of services to either the child or the parents". At least three people should take part in the review.

Each county should have a written plan designating composition and procedures for foster care review committees. Make this information available to the child and the child's parents or counsel upon request.

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Participation on the Review Committee (Cont.)**Comment** (Cont.)

It is strongly recommended that children over 14 participate in reviews.

If the child or the custodial parent requests that a specific person be invited to the review, that request shall be honored. If the parents are divorced and have joint custody of the child, both parents must consent to including the person in the review. If the parents are married, either parent may authorize the release.

**Note:** A family team decision making meeting may be held in conjunction with the review committee meeting, as long as the review requirements are met.

**Legal reference:** 441 IAC 202.2(5)

**Procedure**

When people are invited to the review:

- ◆ Notify them of the place and time of the review at least five working days before the review meeting.
- ◆ Make information about the child's current case plan available to them.
- ◆ Give them the opportunity to submit written comments for consideration at the review.
- ◆ Familiarize them with the format and purpose of the meeting before they attend the review.
- ◆ Encourage them to express opinions and observations during the review.
- ◆ Allow them to question other participants.

Use form 470-0714, *Foster Care Review Notice*, to notify the parents, foster parents, guardian ad litem, and all other people who are not participating under the terms of an interagency agreement. You can provide notice to participants from other agencies in any form mutually agreeable.

Send a written summary of the review recommendations to the child's parents or guardian following the review. Other participants may receive a copy of the summary on request.

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Confidentiality of Review Information**Policy**

Provide safeguards to ensure that confidential information about children and their families is not subject to unauthorized use or disclosure.

**Comment**

Information can be released without the client's authorization to agencies providing services under a contract or other agreement with the Department. Agencies with a purchase of service contract and licensed foster families are covered under this provision.

However, confidential information regarding HIV status cannot be released without a specific release signed by the parent or guardian, or as authorized by the juvenile court.

**Legal reference:** Iowa Code Sections 217.30 and 141.23; 441 IAC 9.3(3)"d"

**Procedure**

When an agency that will frequently be involved in the review process does not have a purchase of service contract, such as an area education agency or probation office, draw up an agreement between the agency and the Department specifying the agency's role in the review committee process and the mutual confidentiality standards of the two agencies.

For a person or agency whose involvement in the review process will be irregular or related to one specific case and who is not a licensed provider, obtain an authorization for release of information from the client's parent or guardian. The guardian ad litem is eligible to receive information as the client's representative.

Remind all participants of the confidentiality restrictions at the time of the review. Resolve questions about confidentiality with the parents and the child, since the purpose of the confidentiality policy is to protect them.

If you believe that information to be discussed in the review will be damaging to the child or to the parents, communicate these concerns to the chair of the committee in advance. If the chair finds the information essential to the review and agrees with your assessment, the chair may restrict the audience for that information.

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Ongoing Reviews**Policy**

Present foster care cases under the supervision of the Department to a review committee every six months in conjunction with the case plan review. **Exception:** The Department review may be waived for cases being reviewed by a local foster care review board or the court.

The review shall:

- ◆ Evaluate the continuing necessity for foster care placement.
- ◆ Evaluate the continuing appropriateness of the foster care placement.
- ◆ Evaluate the extent of compliance with the case plan.
- ◆ Evaluate the progress made toward lessening the causes for placement.
- ◆ Project a likely date by which the child will leave foster care.
- ◆ Review and update the child's health and education record.
- ◆ Ensure that the child's physical record and report card have been furnished to the foster care provider.
- ◆ Evaluate the written transition plan for independent living, if applicable.

**Comment**

The Department must hold its own review within six months if a review conducted by the court or the foster care review board:

- ◆ Will fall outside the six-month time frame, or
- ◆ Fails to cover the required elements.

The six-month interval is the minimum requirement. You may determine that particular cases or classes of cases must be reviewed more often.

Notification and reporting procedure are the same as for the initial review. If the Department review is waived, file the report from the local foster review board or the court order documenting the review in the case record.

**Legal references:** 441 IAC 202.6(234); Sections 471(a)(16), 427(a)(2)(A), 475(1), and 475(5) of the Social Security Act

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Foster Care Review Boards**Policy**

The Iowa Citizen's Foster Care Review Board is authorized to conduct foster care administrative reviews in the counties in the Fifth and Sixth Judicial Districts. Local foster care review boards composed of volunteers representing various disciplines conduct the reviews. Each volunteer receives training before sitting on a board.

The local board programming is supervised by a judicial district program coordinator. Each board also has a paid facilitator who is responsible for ensuring the case review process is correctly followed.

The local foster care review board will schedule:

- ◆ An "initial review" within 30 days of the placement.
- ◆ An "early case review", held approximately 90 days after admission.
- ◆ "Ongoing case reviews," held 180 days after admission and every six-months until discharge.

**Comment**

These reviews meet Iowa and federal requirements for foster care case reviews. They take the place of Department administrative reviews. However, if for some reason the local foster care review board does not schedule a review within the time lines set out in state and federal regulations, the county DHS office must schedule and hold the review.

**Legal references:** Iowa Code Sections 237.20 and 237.21

**Procedure**

The local foster care review board:

- ◆ Tracks the time lines for reviews.
- ◆ Notifies and invite participants.
- ◆ Hosts the meeting.
- ◆ Provides a written report to the court, the family, and DHS.

Department workers and supervisors must attend and participate in the review. It will not be held if the Department is not represented.

FOSTER CARE SERVICESCASE REVIEW SYSTEM (Cont.)Foster Care Review Boards (Cont.)**Procedure** (Cont.)

The Iowa Code gives local foster care review boards access to information about children in care. This includes *Child Abuse Assessment Summary Part A* when the report is founded and placed on the Registry. The foster care review board volunteers are bound by the same standard of confidentiality as DHS workers.

During the review meeting, the board reviews the *Case Permanency Plan* to see that it meets state and federal standards and gives feedback on this to those in attendance. The board review will address:

- ◆ The reason for foster care placement.
- ◆ The case participants' understanding of the need or reason for placement.
- ◆ Visit planning.
- ◆ Identification of the case permanency plan goal and projected date for reaching the goal.
- ◆ Discussion of case permanency planning in progress.
- ◆ What efforts have been made and what efforts can be made relating to achieving permanency for the child.

SELECTION OF PLACEMENT**Policy**

Foster care placement shall be consistent with the best interests and special needs of the child. Make the placement in the least restrictive, most family-like, and most appropriate facility available. Choose a placement in close proximity to the child's home and the school in which the child was enrolled at the time of placement.

The Department is required to consider giving preference to an adult relative caregiver over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)**Policy** (Cont.)

If the child cannot be placed with a relative (or with another adult in the short term), use foster family care, unless the child has problems requiring specialized services or supervision that cannot be provided in a family living arrangement.

Try to place siblings together unless to do so would be detrimental to one of the children's physical, emotional, or mental well being. You may not delay or deny the placement of a child into foster care on the basis of race, color, or national origin of the foster parent or the child.

Do not place a child age 12 or younger in a group shelter care home, unless there have been reasonable but unsuccessful efforts to place the child in an emergency foster family home which is able to meet the needs of the child. Document these efforts at the shelter care hearing.

You must document in the *Case Permanency Plan*:

- ◆ Your reasons for using the particular placement
- ◆ Why a relative placement was not selected
- ◆ Your efforts to prevent separating siblings (if applicable)
- ◆ Your reasons for separating siblings (if applicable)
- ◆ Your plans for maintaining sibling contact (if applicable)
- ◆ Your reasons for using a more restrictive placement than family foster care (if applicable)

**Comment**

There are a variety of ways children can be removed from the home of their caretaker. This policy speaks only to the responsibility of the DHS caseworker when DHS is involved in a removal. The court may dictate the type of facility in which the child is to be placed.

Be familiar with local resources and the residential facilities under contract with the Department. Exercise professional judgment based on the facts of each case. No facility can serve all types of children. You may have to draw a balance between values. For example, the most appropriate treatment program may be further from home than is desirable.

**Legal reference:** 441 IAC 202.4(234); Iowa Code Sections 232.21, 232.52, 232.100, 237.15(6) and 237.22

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)**Procedure**

Follow the relative search procedure in all out-of-home placements of a child that involve the Department. See 18-A, **Identifying Relative Placements**, for information regarding issues to consider. Relatives may be eligible to receive FIP for the child, or they may apply to be licensed as foster parents and receive foster care payments.

In emergencies, with consent from the custodial parents, also explore the potential for short-term placements (under 20 days) with unrelated adults who have a prior relationship with the child before placing a child in foster care.

**Note:** Children in such unlicensed placements should not be under the custody of the Department, nor will the Department make any payment. If the child stays in such a placement over 20 days, the home is illegally providing foster care.

If siblings cannot be placed together, make arrangements to maintain contact between the siblings, unless there is a therapeutic reason for one or more of the siblings to avoid contact.

**Comment**

Other factors to consider in determining the appropriate placement include:

- ◆ The child's needs for special training, care or services.
- ◆ The child's need for structure, supervision, or external controls.
- ◆ The child's and the family's readiness for placement and treatment.
- ◆ The parent's participation.
- ◆ The expected length of placement.
- ◆ The cost of the placement.
- ◆ The availability of funding for the placement.
- ◆ The ability of the facility to sustain the placement, including the facility's success with similar children.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)Procedure for Emergency Removals

When there is an emergency need for the child to be moved from the child's home, first attempt to identify a relative who would be willing to take the child on a temporary basis pending the removal hearing. The noncustodial parent (if any) should be the first consideration, unless known concerns exist.

If the noncustodial parent is not an option, follow the procedures in 18-A, **Identifying Relative Placements**. Document in the case narrative:

- ◆ The consideration of each of the identified relatives.
- ◆ Why the relative was not selected as a placement resource, if applicable.

For relatives who do appear to have placement potential, ask the parent or caretaker to sign form 470-2115, *Authorization for the Department to Release Information*, giving you permission to contact these relatives. (If the parents have joint legal custody, you must get the permission of both parents to release the information.)

Contact the identified relative to see if the person will care for the child on a temporary basis. If so, facilitate the relative placement instead of requesting a court-ordered removal of the child. Follow local policy regarding consulting with a supervisor before making the placement decision.

When no relative placement is found, attempt to identify a non-relative adult, such as a friend or neighbor, who has a significant relationship with the child and can provide good care on a temporary basis. Go through the same evaluation process for these people. (However, it is not necessary to list and justify rejected candidates in the case record.)

**Note:** The time limit for a nonrelative placement is only 20 days, unless the home becomes licensed as a foster home.

When the child will be moving to a relative or appropriate non-relative's home instead of entering foster care:

- ◆ Obtain the person's date of birth and social security number.
- ◆ Inform the person that you will be checking child abuse registry and DCI records, and obtain the person's signature on form 595-1489, *Non-Law Enforcement Record Check Request Form A*.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)Procedure for Emergency Removals (Cont.)

- ◆ Since the child will be moving before the record checks are completed, have the person sign a statement confirming that they have no prior criminal or child abuse record. Example:

No one in my household has been convicted of a crime or has a record of founded child abuse.

- ◆ Advise the relative that at any point during the placement process you will request the court to place the child elsewhere if:
  - There are any safety issues, or
  - The needs of the child are not being met, or
  - There is a lack of follow through on the permanency goal.
- ◆ Submit the record checks within 24 hours whenever possible (or the next working day).
  - Check ACAN and STAR, as well as any open or closed service files concerning the relatives.
  - Check the sexual offender registry at [www.iowasexoffender.com](http://www.iowasexoffender.com) and document the results in the child's file. (For more information, see 12-B, **Sex Offender Registry**.)
  - For the criminal records check, submit both form 595-1489 and form 595-1494, *Non-Law Enforcement Record Check Billing Form*.

See XVIII-Appendix for form samples and instructions. Write "Relative Placement" on each form. Indicate on both forms the name and number of the county where the child resides (or was removed from parental care), so the Bureau of Payments and can charge the cost to decategorization funds correctly.

Note on the billing form that this form is to be submitted to DHS Bureau Payments and Receipts. Enter the codes: 0001 413 Pay Region # (01=Sioux City, 02=Waterloo, 03=Des Moines, 04=Council Bluffs, 05=Cedar Rapids).

If no **relative or nonrelative** placement is identified, proceed with court-ordered removal and placement of the child in an appropriate level of foster care. Document the efforts to place with a relative in the child's *Case Permanency Plan*.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)Procedure for Nonemergency Removals

When there is a need for the child to be moved from the child's home, but not on an emergency basis, first attempt to identify a relative who would be willing to take the child on a temporary basis pending the removal hearing. The noncustodial parent (if any) should be the first consideration, unless known concerns exist.

If the noncustodial parent is not an option, follow the procedures in 18-A, **Identifying Relative Placements**. Document in the case narrative:

- ◆ The consideration of each of the identified relatives.
- ◆ Why the relative was not selected as a placement resource, if applicable.

For relatives who appear to have placement potential, ask the parent or caretaker to sign form 470-2115, *Authorization for the Department to Release Information*, giving you permission to contact these relatives. (If the parents have joint legal custody, you must get the permission of both parents to release the information.)

Contact the identified relative to see if the person will care for the child on a temporary basis. If so,

- ◆ Obtain the person's date of birth and social security number.
- ◆ Inform the person that you will be checking child abuse registry and DCI records, and obtain the person's signature on form 595-1489, *Non-Law Enforcement Record Check Request Form A*.
- ◆ Submit the CPI, DCI, and sexual offender record checks.
  - Check ACAN and STAR, as well as any open or closed service files concerning the relatives.
  - Check the sexual offender registry at [www.iowasexoffender.com](http://www.iowasexoffender.com) and document the results in the child's file. (For more information, see 12-B, **Sex Offender Registry**.)
  - For the criminal records check, submit both form 595-1489 and form 595-1494, *Non-Law Enforcement Record Check Billing Form*. (See instructions for emergency placements for details.)

Do not move on the placement until the record checks are returned. If the record checks indicate no criminal or abuse records, facilitate the relative placement instead of requesting a court-ordered removal of the child. Follow local policy regarding consulting with a supervisor before making the placement decision.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)Procedure for Emergency Removals (Cont.)

If no **relative or nonrelative** placement is identified, proceed with court-ordered removal and placement of the child in an appropriate level of foster care. Document the efforts to place with a relative in the child's *Case Permanency Plan*.

Types of Foster Care Placement**Policy**

The Department funds four types of foster care placement:

**♦ Foster Family Care**

A foster family home is a single-family living unit in which an individual or a married couple provide board, room, and care for a child. See 18-D, **FOSTER FAMILY CARE**, for more information on services in a foster family home and 12-B, **FOSTER FAMILY HOME LICENSING**, for Iowa standards for foster families.

**♦ Foster Group Care**

Foster group care facilities are residential facilities that are provide foster care services to children who, because of social, emotional or physical difficulties, are considered unable to live in a family setting. See 18-E, **DESCRIPTION OF GROUP CARE SERVICES**, for more information.

**♦ Shelter Care**

A shelter care facility is a physically unrestricting foster group care facility which is used only for the shelter care of children. Iowa Code Section 232.2 defines "shelter care" as temporary care between a child's initial contact with juvenile authorities and the final disposition of the child's case.

Shelter care facilities which are county- or multicounty-operated are not licensed, but are approved by the Department. Privately operated shelter care facilities are licensed as meeting the shelter care standards.

FOSTER CARE SERVICESSELECTION OF PLACEMENT (Cont.)Types of Foster Care Placement (Cont.)**Policy** (Cont.)♦ **Independent Living**

Independent living is a supervised placement outside the parental home, a licensed foster home, or a licensed or approved child-caring facility. See 18-F, **INDEPENDENT LIVING FOSTER CARE**, for more information

**Comment**

See also XIII-J(3), **Psychiatric Medical Institutions for Children**. Be aware of licensing standards in order to understand what is expected of the different types of facilities.

**Note:** "Shelter care" may also be offered in a family home, or in a special bed reserved in a group care facility. If so, the service is coded as family foster care, group care, etc.

**Legal reference:** 441 IAC 156.6(234), 156.9(234), 156.12(234)

FOSTER CARE SERVICES

Pages 41-71 are reserved for future use.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE**Policy**

Maintain a continuous relationship with the child to:

- ◆ Help the child plan for the future.
- ◆ Evaluate the child's needs and progress.
- ◆ Supervise the living arrangement.
- ◆ Arrange for services from other resources as needed.
- ◆ Counsel the child in adjusting to the placement.

Visit the child regularly to fulfill responsibilities set forth in the case plan and to review the child's progress.

When the child is placed in a foster family home supervised by the Department, base the frequency of visits to the child on the needs of the child. At a minimum, visits to the child shall be monthly, not to exceed 35 days.

When the child is placed in foster group care, purchased foster family care, or purchased independent living, visit frequency depends on the permanency goal. If the permanency goal for the child is long-term foster care, visits shall be at least quarterly, not to exceed 90 days. For all other cases, visits shall be at least every 45 days.

When the full-time equivalency (FTE) workload exceeds 150, as established in the Department's budget allocation, minimum visits for group care shall be at least quarterly, not to exceed 90 days; for purchased foster family care visits shall be at least every other month, not to exceed 60 days.

**Comment**

Evaluate the quality of the child's continuing relationship with family members or other meaningful persons periodically. Determine whether the child requires help to work through any conflicts or changes in these relationships.

Stress situations may cause the child to need special help. These include:

- ◆ Loss due to separation (including termination of the placement),
- ◆ Medical care,
- ◆ Hospitalization,
- ◆ Other unavoidable disturbing experiences,
- ◆ Changes in the plan for use of foster care services,
- ◆ School or social problems.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)**Comment** (Cont.)

Give special attention to minimize changes affecting the relationship of the child and significant adults. These include changes in frequency of contact with the service worker, transfer of the service worker, vacations of workers or foster parents, or the child's departure from foster care.

Such changes reactivate in the child fears of separation and change. They may lead to emotional upset or disturbances in behavior that may harm relationships with the foster family, school, friends, and birth family. With adequate preparation for changes and clarification of the reasons for it, the child will be better able to respond appropriately.

You are not required to visit a child in foster care when the child is placed out of state and the other state has agreed to provide the required contact.

**Legal reference:** 441 IAC 202.11(234)

Medical Services**Policy**

A child in foster care shall receive proper medical care including:

- ◆ Preplacement and annual medical examinations by a physician, or a nurse practitioner working under the supervision of a physician.
- ◆ Annual dental, eye and ear examinations and routine treatment of illnesses.
- ◆ Immunization against common contagious diseases.
- ◆ Administration of routine diagnosis laboratory procedures; such as blood and urine examinations, test for venereal infection or tuberculosis in accordance with State or local health standards. Testing for the HIV virus may be recommended only if symptoms or high risk factors exist. (See 18-A(2), **HIV TESTING OF CHILDREN IN FOSTER CARE.**)
- ◆ Emergency medical care in cases of sudden illness or accident. Emergency care shall be provided with approval of the parent or guardian. Should an emergency arise where the child is in need of immediate medical attention and the parents or guardian cannot be reached, the Department has authority to call a physician and to authorize emergency medical and surgical care. Caretakers should have a readily accessible means of obtaining approval for emergency services for a child on a 24-hour basis.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Medical Services (Cont.)**Policy** (Cont.)

When religious or personal beliefs of the parents prohibit the completion of a physical or necessary medical care, either:

- ◆ Provide assistance to the family to care for the child in their own home, or
- ◆ Request a court order to obtain necessary medical care to protect the child.

**Comment**

Give foster parents and provider agencies information about the plan for the child's physical or medical care, including:

- ◆ The health of the child.
- ◆ The results of medical examinations (including HIV test results according to 18-A(2), **Access to HIV-Related Information Within DHS**).
- ◆ Directions in carrying out specific medical recommendation.
- ◆ Special advice regarding children with physical or developmental disabilities.
- ◆ Care and feeding of infants.

Obtain referrals for specialized care, treatment, or consultation for orthopedic, neurological, surgical, or other conditions beyond the immediate scope of the usual medical program.

The Iowa Supreme Court has said that "when a child is removed from parental control and legal custody transferred to the Department, the Department shall secure for him care as nearly possible equivalent to that which he would have been given." The objective is the child's best interest and welfare.

The state has a duty to see that children receive proper care and treatment. This means parents have no right to deprive their children of proper medical care. The legal custodian's statutory duty to provide ordinary medical care presupposes a right to do so in appropriate circumstances over parental objection even in the absence of immediate risk to life or limb.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Medical Services (Cont.)**Comment** (Cont.)

Where a conflict arises between the Department (as legal custodian) and the parents (as holder of residual rights) concerning what medical care is in the child's best interest, have the matter resolved by the juvenile court.

Make application to the court through the county attorney for authorization for appropriate medical treatment, including testing for HIV if child exhibits symptoms or high-risk behaviors. If the medical evidence supports the application, the court should authorize the needed medical treatment care.

When the best interests and welfare of children are involved, even parental preference based upon asserted religious beliefs may be required to give way. The right to practice religion freely does not include liberty to expose the child to ill health or death.

Where the best interests and welfare of children under legal custody of Department reasonably require medical treatment opposed by a parent, residual parental rights cannot be invoked to prevent it. Relate the matter to the court and secure a court order authorizing the necessary medical treatment.

**Legal reference:** 441 IAC 202.11(234), 108.7(12), 113.17(237), 114.10(6), 105.8(6)

Mental Health Services**Policy**

Obtain mental health services for diagnosis of the nature and extent of emotional disturbances and, where indicated, for direct treatment of a child who is emotionally disturbed.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Mental Health Services (Cont.)**Comment**

Where a child, a parent, or both have moderate or serious emotional disturbances, there should be provision for a mental health evaluation as a part of the intake study, so that the knowledge of a mental health professional can contribute to formulation of a sound placement plan for the child. When the mental health evaluation is not obtained as part of the intake assessment, obtain the written consent of the parents.

Make arrangements for outpatient treatment with community resources, such as community mental health centers or providers, hospital outpatient programs, or mental health professionals in private practice, where available. You may make arrangements for services for children and parents enrolled in the Mental Health Access Plan (MHAP) either through these facilities or through the MHAP contractor.

Make arrangements for inpatient treatment with public or private mental health facilities, including private hospitals, state mental health institutes, and psychiatric medical institutions for children (PMICs). In the case of public or private hospital services, arrangements for services for children and parents enrolled in the Mental Health Access Plan (MHAP) may be made either through these facilities or through the MHAP contractor.

In these situations your responsibilities are to:

- ◆ Provide all pertinent information about the child requested by the mental health facility after you obtain a release of information from the natural parent or legal guardian.
- ◆ Maintain contact with the child during treatments to facilitate the child's transition when returning to the community. In the case of children enrolled in MHAP, you should also maintain contact with the MHAP care manager.
- ◆ Serve as a resource to the mental health facility in working with the child's family.

**Legal reference:** 441 IAC 202.11(234), 108.7(12), 113.17(237), 114.10(6), 105.8(6)

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Services from Other Resources (Cont.)Psychological Services**Policy**

Psychological services shall be made available for testing, counseling, and treatment purposes in accordance with the specific needs of the child.

**Comment**

Appropriate psychological testing administered by qualified psychologists will be used when indicated to help determine the child's level of intellectual functioning and to assess the nature and severity of personality disorders and learning difficulties.

Pertinent legal reference is Section 234.6, Code of Iowa

Educational Services**Policy**

The child in foster care shall have educational opportunities in accordance with his needs and potentials.

**Comment**

Arrangements shall be made for children who are able to meet the educational requirements to attend public schools in the school district where the foster care placement is located.

For the child with special educational needs, the service worker shall ensure access to available remedial or tutoring programs. This should be accomplished by either recommending the school in which the foster child is enrolled to refer the child to the local Area Education Agency or the worker referring the child to the local Area Education Agency.

The worker is advised that there are loans, grants, and scholarships that may be available to the child after leaving the foster care system. When a child expresses a desire for and has the aptitude to obtain higher education, the worker should explore all such possibilities for the child through the high school guidance counselor and/or student aid office at any college or university.

Pertinent legal reference is Section 234.6, Code of Iowa.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Services from Other Resources (Cont.)Religion**Policy**

The child shall have opportunities for religious and spiritual development that do not conflict with religious preference of his parents or his own religious faith. Consideration shall be given to the natural parents' preference regarding the extent of participation of the child in religious activities.

**Comment**

Pertinent legal reference is Section 234.6, Code of Iowa

Leisure Time Activities**Policy**

Each child shall have opportunities for leisure time activities and for the development of special interests such as hobbies, sports, music, art and crafts.

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Services from Other Resources (Cont.)Leisure Time Activities (Cont.)**Comment**

Leisure time activities should contribute to the child's self-esteem and self-expression, provide him with opportunities for socialization and development of special physical or creative skills. Such activities may be provided through use of community resources where they exist or through individualized instruction.

Included in leisure time activities should be provisions for vacations of a child, especially in foster family home placement. Vacations of foster families is a part of family life in which the foster child should be included. The service worker should plan with the child, natural parents, and foster parents regarding the dates and location of the vacation. Authorization should be obtained from the natural parents covering emergencies that might arise during the course of the vacation. (See Authorization Section of this Manual.)

Pertinent legal reference is Section 234.6, Code of Iowa

Legal Services**Policy**

The child shall have the right to legal counsel during court proceedings. When the child is unable to employ counsel, such counsel shall be appointed by the court.

**Comment**

When a child is in court and is not represented by an attorney, the service worker should bring this to the attention of the county attorney and the court can appoint an attorney to represent the child. The child who is old enough to understand should be told by the service worker what court action is planned and should be helped to understand the implications of the court proceedings.

Pertinent legal reference is Section 232, Code of Iowa

FOSTER CARE SERVICESSERVICES TO THE CHILD IN FOSTER CARE (Cont.)Services from Other Resources (Cont.)Clothing**Comment**

Clothing and other personal possessions shall be provided in a manner that helps to develop the child's self-esteem and personal sense of responsibility.

**Comment**

Sufficient and adequate clothing shall be assured from the beginning of the foster care placement. The child should participate in clothing selection as appropriate for his age and development. Quantity of clothing should be related to the age and individual needs of the child. See Foster Care Payment Manual, XIII-J(1)-30 for policy and procedures related to payment of clothing for the child in foster care placement.

Pertinent legal reference is Section 234.6, Code of Iowa and Chapter 770--137.8(1), Administrative Code.

Personal Allowance**Policy**

A \$10 monthly personal allowance shall be provided for each child in foster care in the 6-20 age groups.

**Comment**

The service worker, foster parents and the child shall discuss and plan the method which will be used to distribute the monthly amount. This allowance is provided to help the child learn appropriate use of money, develop skills in management of money, and to meet personal expenses commensurate with age and ability to assume responsibility. The child should use this money for personal and special items not provided for by the basic foster care grant. See Foster Care Payment Manual, XIII-J(1)-29, for personal allowances payment policy.

Penitent legal reference is Chapter 234.6, Code of Iowa and Chapter 770--137.8(2), Administrative Code.

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS**Policy**

Services shall be made available to the child's parents throughout the period of foster care placement, unless parental rights have been terminated by the court.

**Comment**

**Legal reference:** 441 IAC 202.12(1)

**Role in Case Planning and Review****Policy**

Unless parental rights are terminated by the court, the child's parents shall have an opportunity to participate in the case planning for the child. This shall include the following:

1. The parents shall have the right to provide input into their child's initial and all subsequent case plans.
2. The planned frequency of personal contact between the worker and the parents shall be specified in the child's case plan.
3. The planned frequency and duration of visits between the child and parents shall be specified in the child's case plan.
4. The parents shall have the right to know the location and nature of their child's placement, unless it is documented in the child's case record that to do so would be disruptive to the placement.
5. The parents shall be provided a copy of the initial and all subsequent case plans. If parents are dissatisfied with the case plan, the worker shall work with them to achieve a mutually agreed plan. If agreement is not possible, parents have the right to take the issue to the court through their attorney (if the case is court-ordered) or to terminate the voluntary placement agreement.
6. The parents shall have the right to apply for services and to appeal any denial of services.
7. The parents shall have the opportunity to participate in all administrative review committee meetings in accordance with policies and procedures described in ASSESSMENT OF NEED FOR FOSTER CARE SERVICES: Case Review System. Written notice of each review shall be sent to them at least five working days prior to the date of the review.

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Role in Case Planning and Review (Cont.)**Policy** (Cont.)

8. The parents shall have an opportunity to invite their attorney to be present at all Department review committee meetings.
9. The parents shall be provided a written summary of all Department review committee recommendations.
10. The parents shall receive copies of all reports filed with the court.
11. The parents shall be provided with regular personal contact from the caseworker, at the frequency specified in the case plan. Such contact shall include a review of progress towards goal attainment.
12. The parents shall have an opportunity to communicate and visit with their child according to the guidelines outlined under Visits and Communication in this section.
13. The parents shall be informed of their rights.

**Comment**

Parents of children in foster care must be as involved as possible in planning for their children. Research has shown that successful permanency planning requires parent involvement. Parental involvement should reduce the risk that parents will disrupt the service process. Even if the child will not be returning home, the parents should be as involved as possible in planning for the alternative permanent placement.

If parents do not follow through with involvement as specified in the case plan, this could result in building a case for termination of parental rights.

**Legal references:** 441 IAC 130.7(234), 202.2(5), 202.6(5), 202.12(3)

**Procedure**

Parental involvement shall be documented in the case record.

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Role in Placement Selection**Policy**

Parents shall be involved in selecting the placement. They shall be notified of the location and nature of the child's placement, and involved in the preplacement visit, unless it is documented in the child's case record that to do so would be disruptive to the placement.

**Comment**

Involving the parents in placement selection should lessen the likelihood of their disrupting the placement. It should also help the child adjust to the placement. The type of parental involvement may vary depending on the individual circumstances of the child and family.

**Legal reference:** 441 IAC 202.5(234) and 202.12(2)

Decision-Making Regarding the Child**Policy**

Unless parental rights are terminated, parents should be consulted about all decisions regarding the child. See AUTHORIZATION FROM PARENTS OR GUARDIAN, for more specific information on the impact of the child's legal status on this issue.

**Comment**

If parents are to learn to be more effective in their parenting role, they must have an ongoing opportunity to make decisions whenever possible. Examples of decision areas in the child's life in which they should be consulted include clothing selection, hairstyle, education, extracurricular activities, medical care and religious training.

**Legal reference:** Iowa Code, Section 232.2(19) and 232.2(11)

Visits and CommunicationFrequency**Policy**

The planned frequency of visits between parent and child shall be specified in the case plan.

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Visits and Communication (Cont.)Frequency (Cont.)Comment

Regular and frequent visits help maintain the parent-child relationship and help the child and family make the best use of foster care services. For children whose goal is return home, it increases the likelihood and timeliness of the return home, and helps prepare the family for reunification.

The schedule for visits shall be developed in consultation with the foster care provider. Unless parental rights are terminated or limited by court order, the following shall serve as guidelines:

- a. At least one visit between parents and child should occur within the first week of placement.
- b. Visits should occur at least every two weeks in cases in which the goal is to enhance the parent-child relationship.

FOSTER CARE SERVICESEMPLOYEES' MANUAL SERVICES TO CHILD'S PARENTS (Cont.)Visits and Communication (Cont.)Frequency (Cont.)Comment (Cont.)

- c. Frequency of contact should take into account the child's age and attitudes regarding contact.
- d. Plans for less frequent visits than desired by the parents shall have the reason documented in the case plan and shall have approval of the worker's supervisor or Department Foster Care Review Committee.
- e. As treatment progresses and return home approaches, more frequent visits should be arranged.
- f. Frequency of visits shall not depend on the worker's schedule or convenience.
- g. Other communication, such as phone calls and letters, shall also be encouraged.

The frequency of visits between the placed child and family also depends on factors such as the child's needs, circumstances of the parents, distance, and the child's age and sense of time. Frequency of visits should be increased as the time for the child's return home approaches.

Visits which are disruptive to the child may need to be limited. It is imperative to determine why the visit is disruptive and to help the child, parents and foster care provider deal with their feelings. A certain amount of disruption is probably inevitable and may even be productive, since foster care should not become so comfortable for children or families that they do not make the changes necessary for the child to return home.

The prospect of a change in the child's situation, such as the return home, may result in increased anxiety in the child. Rather than reduce visits, it may be more appropriate to help the child and the adults deal with the child's anxiety. Caution shall be exercised in any decision to limit visits.

**Legal reference:** 441 IAC 202.12(1)

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Visits and Communication (Cont.)Setting and Supervision**Policy**

Visits shall occur in a relaxed, natural setting, such as the foster care placement, the family home, or a park. Exceptions shall be made when there is concern for the child's safety or a need to control or structure the parent-child interaction during the visit.

**Comment**

The more natural the setting, the more visits further the goals of maintaining the relationship and preparing the family for reunification. For this reason office visits are not recommended unless necessary. The reasons for scheduling office visits or supervised visits shall be documented in the case record.

**Legal reference:** 441 IAC 202.12(1)

Activities**Policy**

Parents shall be encouraged to engage in activities during visits which relate to the child's needs, based on the child's stage of development.

**Comment**

Developmentally related visit activities promote emotional bonding between parent and child. They encourage the child to feel attachment to the parent, because the parent is responding to the child's needs. The parent's attachment to the child is promoted because the parent is able to meet the child's needs. Mutual, continuous repetition of this cycle promotes mutual attachment.

**Legal reference:** 441 IAC 202.12(1)

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Parental Responsibilities**Policy**

Unless parental rights are terminated, parents shall be encouraged to take as much responsibility as possible for their child. This includes, but is not limited to:

1. Preparing the child for the foster care placement;
2. Attending school conferences;
3. Taking the child to the doctor and other appointments;
4. Contributing to the cost of foster care;
5. Keeping the Department informed of any changes in address or telephone number; and
6. Participating in intervention programs geared toward returning the child home or placing the child in a more permanent setting.

Parental responsibilities shall be incorporated into the case plan.

**Comment**

If parents are to take full responsibility for their child's care eventually, they must have an opportunity to maintain or learn as much of this role as possible while the child is in foster care.

**Legal reference:** 441 IAC 202.12(1)

Right to Services**Policy**

Unless parental rights are terminated, services shall be made available to the parents throughout the period of placement. Parents of children in foster care placement shall have the right to apply for family-centered services and the right to appeal if such services are denied.

**Comment**

The purpose of providing services to the parents is to resolve the problems which necessitated the child's placement and to facilitate the reunification of the family. Whether the placement is voluntary or court-ordered,

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Right to Services (Cont.)**Comment** (Cont.)

services to the parents throughout the period of placement can assist the family in resolving, in an agreed-upon time frame, the child's placement status and the family situation which necessitated the foster care placement. See XVI-A, "Family-Centered Services," for policies and procedures regarding that program.

**Legal reference:** 441 IAC 202.12(1) and 182

FOSTER CARE SERVICESSERVICES TO CHILD'S PARENTS (Cont.)Authorization From Parents or Guardian

Whether authorization for a particular action or decision regarding a child in foster care must be obtained from the child's parent or guardian depends on the legal status of the child and the nature of the decision.

Parent-Child Relationship Terminated**Policy**

When the parent-child relationship has been terminated under Iowa Code Chapter 600A or 232, there is no need to obtain an authorization because the parents have no residual rights, and therefore, cannot give any legally binding authorization. In these situations, the Department has both guardianship and legal custody of the child, and can give any and all consents and authorizations needed including for adoption of the child.

Guardianship of the Child**Policy**

State law gives the guardian authority to consent to marriage, enlistment in the armed forces, and medical, surgical, and psychiatric treatment. Consent should be obtained from the parents unless an emergency situation exists, even though not required, in respect for the parents' residual rights and involvement in case planning for their child. Parents should be notified of consents issued.

**Comment**

Pertinent legal reference is Iowa Code Section 232.2(18).

Legal Custody of a Child**Policy**

All rights and duties of the custodian are subject to the residual rights of the parents. All decisions should be referred to the parents if possible.

If the parents are unable or unwilling to give consent, the Department worker as custodian may authorize emergency medical care, release medical information, and make decisions necessary to the custodian's duty to "protect, train, and discipline" the child. This includes

FOSTER CARE SERVICESAUTHORIZATION FROM PARENTS OR GUARDIAN (Cont.)Legal Custody of a Child (Cont.)**Policy** (Cont.)

authorizations for educational testing and evaluation and consents for participation in school activities.

Whenever there is conflict with the parents over a particular decision for a child or the need for a decision beyond the authority of the custodian, such as consent for marriage, enlistment in the armed forces, or non-emergency medical treatment, the court shall be consulted.

**Comment**

Pertinent legal references are Iowa Code Section 232.2(10), the Code; In re Karwath, 199 N.W. 2d 147, 150 (Iowa 1972); In re Wilson's Estate, 202 N.W. 2d 41 (Iowa 1972); and Attorney General's Opinion #78-12-20 (Robinson to Preisser, 12-27-78).

Voluntary Placements**Policy**

When the Department has agreed to provide foster care services for the child on the basis of a signed placement agreement between the Department and the child's parents or guardian, all parental rights remain intact and the Department is granted only temporary supervisory rights. Although the voluntary placement agreement authorizes the Department to authorize emergency medical care should the need arise, the placement agreement does not authorize the Department to assume the role of the parent in planning for needed medical and other care.

The worker shall in all cases secure the consent and authorization of the parents.

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF A CHILD FROM PLACEMENT**Policy**

This policy covers children who have been placed in the custody or guardianship of the Department, including youth in residential group placements, in parental homes, with relatives, or with other specified persons when DHS has supervision or care responsibilities.

The policy is designed to ensure that all children in the Department's care or under the Department's supervision remain safe and accounted for. All workers should use these processes uniformly across Iowa to handle unauthorized absences.

For the purpose of this policy, "unauthorized absence" means any unplanned absence due to action taken by the youth (e.g., running away), actions of others (e.g., abduction), or the lack of attention or supervision by the caregiver.

In 1984, Iowa Code section 694.5, "Unemancipated minors," changed to the following regarding juveniles under the age of 18:

- "1. If a report of missing person involves an unemancipated minor, the law enforcement agency shall immediately transmit the proper information for inclusion in the national crime information center computer.
- "2. If a report of missing person involves an unemancipated minor, a law enforcement agency shall not prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation."

This policy has been enacted on a federal level with the National Child Search Assistance Act of 1990. All missing juvenile cases reported are to be entered into the National Crime Information Center (IOWA/NCIC) and investigated immediately, no matter the circumstances.

**Comment**

Neither DHS workers nor caregivers should hesitate to contact law enforcement to request that a child be listed immediately as a missing person. If assistance is needed with this process, contact the Iowa Missing Person Information Clearinghouse at 1/800/346-5507.

**Legal reference:** Iowa Code Chapter 694

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)Missing Person Defined

The following definition is found in Iowa Code section 694.10(1):

- "a. "Missing person" means a missing person as defined in section 694.1 whose temporary or permanent residence is in Iowa, or is believed to be in Iowa, whose location has not been determined, and who has been reported as missing to a law enforcement agency."

While this Iowa definition includes adults, youth served by the Department qualify as "unemancipated minors" listed in Iowa Code section 694.1, as follows:

"694.1 Missing Persons. As used in this chapter, unless the context otherwise indicates, "missing person" means a person who is missing and meets one of the following characteristics:

- "1. Is physically or mentally disabled.
- "2. Is missing under circumstances indicating that the missing person's safety may be in danger.
- "3. Is missing under circumstances indicating that the disappearance was not voluntary.
- "4. Is an unemancipated minor.

"For purposes of this chapter an "unemancipated minor" means a minor who has not married and who resides with a parent or other legal guardian."

For additional information related to missing children in Iowa, contact the Iowa Missing Person Information Clearinghouse at 800/346-5507.

Initial Steps When an Unauthorized Absence Is Suspected**Policy**

When an unauthorized absence is suspected, obtain as much information as possible about the circumstances and make an immediate and reasonable initial effort to locate the child. At a minimum, contact the school, parents, relatives, friends, and other contacts or locations that are identified as likely places the child may be.

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)Initial Steps When an Unauthorized Absence Is Suspected (Cont.)**Policy** (Cont.)

If there is reason to suspect that the life or well being of the child may be in jeopardy, immediately request the local law enforcement agency to enlist the aid of the Iowa Division of Criminal Investigation, or direct the guardian to do so.

If you determine that a protective service alert should be issued, follow procedures described in 16-E, **Protective Service Alerts**.

Notify the court in writing within two working days (or within the court's preferred time limit if one has been established) when you have reason to believe that parents or others have:

- ◆ Failed to divulge or concealed facts known to them about the whereabouts of the child;
- ◆ Aided and abetted the unauthorized absence of the child; or
- ◆ Contributed to the delinquency of the child.

**Comment**

It is possible to post photographs of missing persons to state and national Internet sites. Discuss the need for posting with the Iowa Department of Public Safety.

If it is determined that posting is necessary or beneficial, and a picture of the missing youth are available, contact the Iowa Missing Person Information Clearinghouse at 1/800/346-5507 to get it published. The picture will be posted on:

- ◆ The Iowa Department of Public Safety web site at <http://www.state.ia.us/missing>; and
- ◆ The National Center for Missing and Exploited Children's web site at <http://www.missingkids.org>

Contact the Iowa Missing Person Information Clearinghouse for more information.

**Legal reference:** Iowa Code Sections 232.2(11) and 709A.1

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)When to Report an Unauthorized Absence to Law Enforcement**Policy**

As soon as it is determined that a child meets the definition of "missing person," report the absence to a law enforcement agency. Workers shall make a report to law enforcement on behalf of youth not placed in a facility. Facilities may make the report on behalf of youth placed in their care (e.g., group care, shelter, etc.).

Begin with local police and report to the sheriff or state police as needed. In all cases, coordinate information with the caregiver so that all involved entities are aware of what is being done regarding the suspected absence.

Also notify the parents (or other known relatives if the parents cannot be contacted), the guardian or custodian, the guardian ad litem, and the court, as needed.

**Comment**

There is no minimum amount of time that must pass before children should be reported or before law enforcement will accept such a report. For example, there is no need to wait 12 or 24 hours as may have been the former practice.

Under Iowa Code Chapter 694 and the National Child Search Assistance Act of 1990, a law enforcement agency must immediately enter the child into the IOWA/NCIC and begin an active investigation for a missing person under the age of 18.

A child is considered to be missing if the definition of a missing person is met. A juvenile can be a runaway when the juvenile's location is known or is not known. If the location is not known, the juvenile could then be reported as a missing person.

Law enforcement agencies are trained to treat situations as "endangered" situations if foul play is suspected. The first 24 hours are the most critical to a situation in regards to obtaining helpful information.

If it is unknown whether the child has run away or is endangered, law enforcement is trained to handle the case as if the child were endangered.

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)When to Report an Unauthorized Absence to Law Enforcement (Cont.)**Comment** (Cont.)

**Note:** When a child remains on the run for a long period of time, contact law enforcement on an ongoing basis about what is being done to locate the missing juvenile. Likewise, you should contact parents and others involved regularly to see if they have more information about the child's whereabouts or activities.

Pick-Up Order**Policy**

When attempts to locate the child have been unsuccessful, place a law enforcement agency pick-up request for the youth. Request that the child, if located, be held for the Department of Human Services. This may include pick-up orders that are issued by the court.

**Comment**

When placing the pick-up request with a law enforcement agency, begin with local police and report to the sheriff or state police as needed. Identify whether the child has been adjudicated as a child who has committed a delinquent act or a child in need of assistance.

Give all pertinent identifying information (age, physical description, clothing, etc.) and, depending on who makes the report, the worker's name and home and work telephone numbers or the caregiver's telephone number to the law enforcement agencies and State Patrol Communications.

Confirm with the local law enforcement agency whether use of the form 470-0732, *Police Pick-up*, is acceptable. The Department of Public Safety prefers the use of its Form No. 1-694, *Missing Person Report for NCIC Record Entry* (revised 10/12/94). The local law enforcement agency may prefer its own form.

Law enforcement requires a signed form. A signed form is not required for a juvenile under the age of 18.

**AMBER Alert**

An AMBER alert is used only in a case where there is an abduction and the child is in danger. It is not used for a runaway unless the child is known to have been abducted and the child's life is in danger.

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)When to Report an Unauthorized Absence to Law Enforcement (Cont.)AMBER Alert (Cont.)

Local law enforcement determines whether or not an AMBER alert is issued. Be aware of what information is needed to issue the alert, in the event that an AMBER alert becomes necessary.

When the Child Is Believed to be in Another State**Policy**

When you believe that the child is in another state, request that local law enforcement contact a law enforcement agency in the other state about searching for the child. If needed, you can contact the Iowa Missing Person Information Clearinghouse at 1/800/346-5507 for assistance.

When the Youth Is Found in Iowa**Policy**

When the youth is found in Iowa:

- ◆ Follow orders described in a court issued pick-up;
- ◆ Notify the court and make plans for the youth to be returned to placement;
- ◆ Notify the law enforcement agency where the initial report was made that the youth was found and returned; and,
- ◆ Notify parents and the service area office and caregiver (as applicable).

**Comment**

Follow Department policies under TRANSPORTING A CHILD. If others, e.g., facilities, propose to transport a child back to care, this should be coordinated with the worker.

**Note:** If a parent sabotages attempts to pick up a runaway child, notify law enforcement, which will make the determination as to the validity of the response.

**Legal reference:** Iowa Code Section 232.19

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)When the Youth Is Found in Another State**Policy**

When the youth is found in another state, if the other state has any questions about releasing the child, contact the appropriate Iowa law enforcement agency. Begin with local police and report to the sheriff or state police as needed.

Request the use of the *Iowa System Terminal* to transmit a "hold" request for the return of the child to the Iowa Department of Human Services.

In all cases involving the return of a juvenile from another state, contact the DHS Interstate Compact Unit immediately for assistance. The Interstate Compact Unit will assume responsibility for the necessary communication to affect the return of the child.

If DHS staff travel out of state is required, follow Department policy at 13-N(1), **RUNAWAYS**, with the assistance of and coordination with the Interstate Compact Unit.

**Comment**

**Legal reference:** Iowa Code Sections 232.19; 232.158, Article V; 232.171, Article IV

Negotiating With a Youth for Return**Policy**

At times it may be prudent and appropriate to negotiate with a runaway youth as to when the youth is willing to return. The safety and well being of the child should be the first consideration in the negotiation. Consider whether the youth's needs are being met at the current location.

In all cases, the agreed-upon return time should be within 48 hours of the contact.

FOSTER CARE SERVICESUNAUTHORIZED ABSENCE OF CHILD FROM PLACEMENT (Cont.)Other Resources

Other resources that may be helpful in locating and returning children include:

- ◆ **Home Free** is a program in which Greyhound Bus Lines provides free one-way transportation between any two points in the continental United States (excluding Alaska) for runaway children returning home. This is done in conjunction with the National Runaway Switchboard (NRS).

To receive a free ride home, children between the ages of 12 and 18 may call the NRS at 800/621-4000 or call a local social service agency, shelter, or law enforcement. All of these services can make necessary travel arrangements with Greyhound.

- ◆ **Let's Find Them** is a program in which Greyhound Bus Lines offers free transportation for missing and exploited children being reunited with their families. Greyhound provides, free of charge:
  - One-way transportation from the city where the child is located to the child's hometown; and
  - Round-trip transportation for up to two family members (parents or guardians) from the hometown to the city where the child is located.

Transportation is limited to the continental United States (excluding Alaska) and to the routes of Greyhound Lines only. A request for free transportation under this program must be approved through the National Center for Missing and Exploited Children at 800/843-5678.

- ◆ **National Runaway Switchboard** provides assistance to social service agencies and law enforcement officials in determining needs and assistance with out-of-state-placement.

This is an additional resource for DHS workers but it must not be used in place of the required involvement with the Interstate Compact Unit. Contact the NRS at 1/800/621-4000 or at <http://www.nrscrisisline.org/>.

FOSTER CARE SERVICESTRANSPORTING A CHILD**Policy**

Exercise care in transporting any juvenile.

- ◆ While en route, do not permit the child to make telephone calls or stop for visits with family or relatives.
- ◆ When making a rest or meal stop, give the child close supervision.
- ◆ Do not allow children to place themselves in a position that could permit them to commandeer a vehicle or place you in jeopardy.

A lone service worker shall not transport any youth of the opposite sex who is over 12 years of age.

If the child runs away, do not attempt to stop the child by physical force. Notify the nearest local law enforcement authority of the runaway and place an item with the police radio.

**Comment**

The policy on transporting children of the opposite sex does not apply when a parent accompanies you and the child. The use of volunteers is encouraged when an additional person is needed.

If more than one juvenile is to be returned to an institution, it may be necessary for someone to accompany you. When a non-staff person is used, any expenses, such as meals, and in some situations, lodging, may be claimed on the your expense account under the "Miscellaneous" column marked within asterisk. Below, write an explanation of cost as follows: "\*Meal-cost-place, for female/male attendant as required by Department policy."

STATE LIABILITY FOR NEGLIGENT ACTS IN FAILING TO SUPERVISE A FOSTER CHILD**Policy**

The state of Iowa or its employees may be liable for damages caused by the acts of a child in connection with foster care, but only in those cases where the state has guardianship or custody of the child and only when employees of the state are negligent in their supervision of such child.

FOSTER CARE SERVICESSTATE LIABILITY FOR NEGLIGENT ACTS IN FAILING TO SUPERVISE A FOSTER CHILD

(Cont.)

**Comment**

"Tort claims" are those claims alleging negligence by state employees, officials, or departments. Such claims must be made through the State Appeal Board in the Department of Management, State Capitol Building, Des Moines, Iowa. Persons desiring to make claim against the state should be advised to consult the State Appeal Board web site at <http://www.dom.ia.state.us/appeals> for the proper forms and procedure to follow in making a claim.

Important: The question of negligence of the state or its employees is a legal question. The State Appeal Board determines whether negligence exists through the Tort Claims Division of the Attorney General's Office. Under no circumstances should you make any commitment to a person making a claim that the state will or will not pay the claim.

**Legal reference:** Iowa Code Chapter 669, 543 IAC Chapter 1

**Procedure**

After a claim has been filed against the state and the Appeals Board has notified the Department, the following procedure shall apply:

- ◆ All claims coming from the State Appeal Board will be logged in and out through the Division of Fiscal Management.
- ◆ Requests for validation statements, comments, and attachments will be forwarded to the operational unit involved.
- ◆ That unit shall forward a response to its division administrator within 10 days. Validations for these claims should contain incident reports, investigation reports, medical reports, a copy of the laws and administrative rules in effect at the time of the accident or loss.
- ◆ The division administrator shall determine whether further legal assistance is desirable. If not, the claim shall be returned to Division of Fiscal Management.
- ◆ All claims should be spoken to within 14 days. Under no circumstances should any material be sent directly to the State Appeal Board without first going through this process.

FOSTER CARE SERVICESGUIDELINES FOR TERMINATION OF SERVICES**Policy**

Foster care services shall be terminated when:

- ◆ The child is no longer an eligible child; or
- ◆ The attainment of goals in the case plan have been achieved; or
- ◆ The goals for whatever reasons cannot be achieved; or
- ◆ It is evident that the family or individual is unable to profit from the service or unwilling to accept further services.

Whenever possible, an explanation shall be given to the client as to the reason for the termination of services and an entry made in the case record of this explanation and the date. The client shall also be notified of the right to appeal and the proper process.

Do not close a case unless you have reviewed the case with your immediate supervisor.

**Comment**

After review, foster care services may be terminated when:

- ◆ The goals in the case plan have been attained or maximum benefits have been obtained.
- ◆ The child has reached majority age and is not in an educational or vocational program.
- ◆ Foster care services no longer meet the child's needs. This could be based on the child's lack of cooperation and nonamenability to the foster care placement.
- ◆ The natural parents of the child under voluntary placement are uncooperative.
- ◆ The natural parent or guardian withdraws the child from voluntary placement.
- ◆ The court removes the child from custody of the Department.
- ◆ The child's adoption is finalized.
- ◆ The child dies.

**Legal reference:** Iowa Code Section 234.6; 441 IAC 202.14(234) and Chapter 7

FOSTER CARE SERVICESGUIDELINES FOR TERMINATION OF SERVICES (Cont.)**Procedure**

As a guideline, your responsibilities in terminating placement, after careful evaluation and the approval of your immediate supervisor, shall include, but not be limited to, the following:

- ◆ Notify the foster family, the natural parents or guardian, and the child of the plan to terminate the placement at least ten days before the termination. The service area manager must approve all variances from this notice period.
- ◆ Notify the school that the child is attending before the child is moved, and make arrangements for transfer of necessary educational records.
- ◆ Notify the SSI advocacy contractor to change the payee for all children receiving SSI or Social Security for whom the Department is payee. Initiate this as soon as possible, because such changes take a minimum of 90 days. See 13-B, **Recipients or Potential Recipients of SSI or Social Security Benefits**, for procedures.
- ◆ When the child's family is receiving FIP, inform the Income Maintenance Unit in advance of the child's return before foster care services end so that the FIP grant can be adjusted.
- ◆ Request any funds from the child's escrow account. See 18-G, **ADMINISTRATION OF ESCROW FUNDS**, for release of funds from escrow account.
- ◆ For a child returning home, encourage the involvement of the child and the natural parents in planning specific details of the return. If the child has not been able to have regular contacts with the parents, plans for the child's return home should always include prior visits of the natural parents to the foster home and preliminary visits of the child to the parental home.
- ◆ For a child reaching majority age who does not return home, provide assistance in planning for employment, education, housing, financial and other relevant services to prepare the child for self-sufficiency and to make the transition as smooth as possible. Also, assist the child in obtaining necessary documents such as birth certificates, social security cards, etc. See **Transition Planning**.
- ◆ For a child placed for adoption, plan and work directly with the child, with the child having a part in the decision that adoption is the best plan. A child of the age of 14 must consent to adoption.

FOSTER CARE SERVICES**GUIDELINES FOR TERMINATION OF SERVICES** (Cont.)**Procedure** (Cont.)

When adoptive placement means a separation from the foster family, help both the child and foster parents deal with their feelings about the planned change.

Engage the foster parents in the preparation of the child for each step of the adoptive placement. The foster parents can be a valuable resource in providing specific information about the child's likes and dislikes and in various ways help the child make the change from one home to another.

If the adoption worker is new to the child, give the child sufficient time and help to make the transition to the new worker. (See 13-C, **Preparation of Child and Preplacement and Placement Activities**, for specific information and procedures relative to the adoption process.)



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

December 11, 2001

## GENERAL LETTER NO. 13-J-38

ISSUED BY: Bureau of Permanency Services  
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title XIII, Chapter J, **FOSTER CARE**, Contents (pages 1 and 2), revised; pages 23 through 40 and 71, revised; and page 72, corrected.

### Summary

Employees' Manual XIII -J is revised to

- ◆ Clarify that race, color, and national origin may not be routinely considered in the placement selection of a foster home. This is in compliance with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP).

MEPA-IEP prohibits delaying or denying the placement of a child for adoption or into foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child. Therefore, you may not routinely consider race in placement decision and must justify the use of race based on the individual circumstances of a case. Any consideration of race must be narrowly tailored and individualized.

The Office of Civil Rights will investigate violations of MEPA-IEP. People who feel they have been discriminated against may file a complaint with the Office of Civil Rights. The Office of Civil Rights may also initiate a review of any adoption or foster care agency or program that receives federal funding.

The Department of Health and Human Services has the authority to assess financial penalties against state and purchase of service agencies that violate MEPA-IEP.

- ◆ Include the procedures for relative search when an out-of-home placement involves DHS. Workers must document in the case permanency plan why a relative placement was not selected.

The Personal Responsibility and Work Opportunities Reconciliation Act of 1996, Public Law 104-193, contains a provision on "Kinship Care" (section 505). This law, which went into effect on August 22, 1996, amends section 471(a) of the Social Security Act, subsection (18), to read:

"...The State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards."

- ◆ Remove the sections on case permanency plan and foster care goals and outcome. This information has been added to 18-A.
- ◆ Expand and rename the section on preparation for independence (transition planning) to update procedures and include reference to form 470-3185, *Referral Guide for Transition Planning*, which is available in the state-approved forms folder on Outlook. Consult your transition planning specialist for instructions on how to use this form.

### **Effective Date**

Immediately upon receipt.

### **Material Superseded**

Remove the following pages from Employees' Manual, Title XIII, Chapter J, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (p.1)	September 20, 1994
Contents (p.2)	December 3, 1996
Contents (p.3)	November 16, 1993
22a, 23	February 25, 1992
24	March 29, 1988
24a, 24b, 25	April 16, 1991
26, 26a	January 26, 1993
26b, 27	April 16, 1991
28	March 29, 1988
28a, 28b	December 3, 1996
29	March 29, 1988
30, 31	April 16, 1991
32	March 1, 1988
33-36	June 17, 1983
37-46	July 28, 1987
47	June 17, 1983
48-50	July 28, 1987
50a, 50b	December 3, 1996
51	July 12, 1988
52, 71, 72	November 16, 1993
72 (printed on wrong side)	December 3, 1996

### **Additional Information**

Refer questions about the general letter to your regional office foster care specialist.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

October 1, 2002

## GENERAL LETTER NO. 13-J-39

ISSUED BY: Bureau of Community Services, Division of Behavioral, Developmental, and Protective Services for Families, Adults and Children

SUBJECT: Employees' Manual, Title 13, Chapter J, *FOSTER CARE SERVICES*, Contents (page 1) revised, and page 26, revised.

### Summary

The section on transition planning is revised to implement 2002 Iowa Acts, House File 2399. This legislation changes the requirements for youth in foster care 16 years of age and older who will require services as an adult.

The needs assessment and written plan of services for these youth must be developed with someone who may reasonably be expected to be a service provider when the youth becomes an adult or to become responsible for the cost of services at that time.

### Effective Date

Upon receipt.

### Material Superseded

Remove from Employees' Manual, Title 13, Chapter J, Contents (page 1) and page 26, both dated December 11, 2001, and destroy them.

### Additional Information

Direct questions concerning this material to the transition planning specialist in your area.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

March 11, 2003

## GENERAL LETTER NO. 13-J-40

ISSUED BY: Bureau of Community Services, Division of Behavioral, Developmental, and Protective Services for Families, Adults and Children

SUBJECT: Employees' Manual, Title 13, Chapter J, *FOSTER CARE SERVICES*, page 26, revised.

### Summary

The section on transition planning is revised to clarify language found in 2002 Iowa Acts, Chapter 1081. This legislation changes the requirements for youth in foster care 16 years of age and older who will require services as an adult.

For youth who may be eligible for services as an adult, the needs assessment and written plan of services must be developed with any person who may reasonably be expected to be a service provider for the youth when the youth becomes an adult or to become responsible for the cost of services at that time.

### Effective Date

Upon receipt.

### Material Superseded

Remove from Employees' Manual, Title 13, Chapter J, page 26, dated October 1, 2002, and destroy it.

### Additional Information

Direct questions concerning this material to the transition planning specialist in your area.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

July 1, 2003

## GENERAL LETTER NO. 13-J-41

ISSUED BY: Division of Behavioral, Developmental and Protective Services

SUBJECT: Employees' Manual, Title 13, Chapter J, ***FOSTER CARE SERVICES***, pages 7, 8, and 9, revised.

### Summary

Effective July 1, 2003, Iowa Code section 234.35(1)(c), is revised to allow for voluntary placements of children in foster care for a period of up to 90 days. The section on "Voluntary Placement for Children Under Age 18" is revised to reflect this change.

Update references and organizational names.

### Effective Date

July 1, 2003

### Material Superseded

Remove the following pages from Employees' Manual, Title 13, Chapter J, and destroy them:

Page

Date

7-9

July 7, 1992

### Additional Information

Refer questions about this general letter to your service area manager.



# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

August 27, 2004

## GENERAL LETTER NO. 13-J-42

ISSUED BY: Division of Behavioral, Developmental and Protective Services

SUBJECT: Employees' Manual, Title 13, Chapter J, ***FOSTER CARE SERVICES***,  
Contents (page 2), revised; pages 87 through 94, revised; and pages 95 through  
99, new.

### Summary

These changes to the current DHS Employees' Manual will:

- ◆ Help to align department practices with currently accepted methods of identifying and handling situations involving missing children who are involved with the Department of Human Services.
- ◆ Update references.

### Effective Date

Immediately

### Material Superseded

Remove the following pages from Employees' Manual, Title 13, Chapter J, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 2)	October 1, 1992
87-94	February 19, 1980

### Additional Information

Refer questions about this general letter to your service area manager.